



A  
COLLECTION  
OF  
STATUTES RELATING TO INDIA  
IN TWO VOLUMES  
VOL. II.  
FROM 1888 UP TO THE END OF 1912



CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
1913

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## PREFACE.

THE first volume of this Collection, which has recently been issued, contains the *Statutes relating to India* up to the end of the year 1887. It was originally arranged that this volume would end with the Government of India Act, 1912, and be published shortly after the first volume. As, however, the publication of this volume has been somewhat delayed, the opportunity has been taken to bring the Collection up to the close of the year 1912. This volume has been prepared on the same lines as the first volume.

The two Appendices contain a list of Statutes affected by legislation in India, and a table of the various Statute Law Revision Acts which have been passed by Parliament.

A fresh index for both volumes has been added at the end of this.

S. C. BANERJEE,

*Legal Assistant, Legislative Department.*

SIMLA ;

*The 6th June 1913.*



# CHRONOLOGICAL TABLE OF THE STATUTES RELATING TO INDIA.

## VOLUME II—(FROM 1888 TO 1912)

Year.	Regnal No and Chapter.	Short title or subject.	How repealed or other- wise affected	REMARKS
1888	51 & 52 Vict., c 5	The Oude and Rohilkhand Rail- way Purchase Act, 1888.	... Preamble rep., ss 3, 18 rep pt (U. K.) 8 Edw. 7, c 49 (S L R.)	See p 755
1889	52 & 53 Vict., c 10	The Commis- sioners for Oaths Act, 1889.	... Am. 53 & 54 Vict, c. 7, and expld and s. 6 am 54 & 55 Vict., c 50. s. 4 am 7 Edw. 7, c 25 ss 12, 14, Sch rep (U. K) 8 Edw 7, c 49 (S. L R)	See p. 758.
"	52 & 53 Vict., c 63.	The Interpreta- tion Act, 1889.	.... S 41, Sch. rep. (U K.) 8 Edw. 7, c 49 (S L R).	See p 761.
1890	53 & 54 Vict , c. 6.	The South Indian Railway Pur- chase Act, 1890.	... Preamble and in pt. s. 3 rep. (U. K ) 8 Edw 7, c. 49 (S L R ).	See p. 772.
"	53 & 54 Vict , c. 7.	The Commis- sioners for Oaths Amendment Act, 1890.	...	See p 775.
"	53 & 54 Vict., c 27.	The Colonial Courts of Admi- rality Act, 1890	....	See p 776
"	53 & 54 Vict , c. 37 7	The Foreign Juris- diction Act, 1890.	... Ss 18, 19, Sch. I rep pt Sch III rep (U K ) 8 Edw 7, c 49 (S. L R )	See p. 786
1891	54 & 55 Vict , c 31.	The Mail Ships Act, 1891	... Ss. 3 (2), (5) am 2 Edw. 7, c. 36	See p. 793.

## Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No. And Chapter	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1891	54 & 55 Vict. c. 50	The Commissioners for Oaths Act, 1891	Preamble rep. (U. K.) 8 Edw 7 c. 49 (S. L. R.)	See p. 799
	54 & 55 Vict. c. 72	The Coinage Act, 1891	S. 1 (4) rep. (U. K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 800.
1892	55 & 56 Vict. c. 6.	The Colonial Probates Act 1892.		See p. 801
	55 & 56 Vict. c. 14.	The Indian Councils Act, 1892.	Am. ss. 1 3 rep. s. 4 rep. pt. 9 Edw 7 c. 4 s. 4 rep pt. (U. K.) 8 Edw 7 c. 49 (S. L. R.)	See p. 803.
"	55 & 56 Vict. c. 23	The Foreign Marriage Act, 1892.	S. 25, Sch. rep. s. 20 (1) rep. pt. (U. K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 801.
"	55 & 56 Vict. c. 40.	The Superannuation Act, 1892.	Ss. 5 and in pt. 6 rep. (U. K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 813.
1893	56 & 57 Vict. c. 5.	The Regimental Debts Act, 1893.	Ss. 31 32 rep. (U. K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 815.
"	56 & 57 Vict. c. 53	The Trustees Act, 1893.	Am. 57 & 58 Vict. c. 10. s. 1 ext. s. 2 (2) appld. 63 & 64 Vict. c. 62, s. 2 s. 30 rep. in pt. 57 & 58 Vict. c. 10 s. 1; s. 41 ext. 57 & 58 Vict. c. 10 s. 2; s. 44 am. 57 & 58 Vict. c. 10 s. 3 ss. 51 54 Sch. rep. (U. K.) 8 Edw 7 c. 40 (S. L. R.).	See p. 823.
"	56 & 57 Vict. c. 62.	The Madras and Bombay Armies Act, 1893.	S. 1 expd., 59 & 60 Vict. c. 2, s. 4 ss. 1 (3) 2 3 Sch. rep. (U. K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 842.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1893	56 & 57 Vict., c 70	The East India Loan Act, 1893	Appld. 1 Edw 7, c. 25, s 7, 8 Edw 7, c 51, s. 6, 10 Edw 7, c 5, s 4	See p 813
1894	57 & 58 Vict., c 10.	The Trustee Act, 1893, Amendment Act, 1894	.....	See p 816.
"	57 & 58 Vict., c 12	The Indian Railways Act, 1891	S 9 rep 6 Edw 7, c 9	See p. 847
"	57 & 58 Vict c 30, s. 20	The Finance Act, 1891	.	See p 848 S 20 alone is reproduced, the rest being inapplicable to India.
"	57 & 58 Vict., c 39.	The Prize Courts Act, 1891	Ss 3 (3) in pt and 5 rep (U. K.) 3 Edw. 7, c 40 (S. L. R.)	See p 849
"	57 & 58 Vict., c 45	The Uniforms Act, 1894	Ss 2 (1) in pt and 5 rep. (U. K.) 8 Edw. 7, c 40 (S. L. R.)	See p 850.
"	57 & 58 Vict., c. 60.	The Merchant Shipping Act, 1891	Appld 6 Edw. 7, c 58, ss 7, 11 Supplemented 6 Edw '7, c 48, 1 & 2 Geo 5, c 8 Ss 21, am 48 (2) sub, 6 Edw 7, c. 48, ss. 52, 53 3. 76 ext 1 & 2 Geo 5, c 42 S 78 modified, 7 Edw 7, c 52, s 1 Ss 79 (1), 84, am 92 (1) (b) sub, 126 (1) am, 132, 133 ext., 136 restricted, 6 Edw 7, c 48, ss 54-56, 58-60	See p 852 Pts IV and X, ss 634-669 in pt XI, ss 702-710 in pt XIII, and Sch XXI omitted as being inapplicable to India.

## Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No. and Chapter	Short title or subject	How repealed or other wise affected.	REMARKS.
1894	57 & 58 Vict c. 60— <i>contd</i>	The Merchant Shipping Act, 1894— <i>contd</i>	<p>S. 141 expld. 1 &amp; 2 Geo. 5 c. 8 6 Edw 7 c. 48, s. 61.</p> <p>Ss. 144<sup>a</sup> and 188<sup>a</sup> to 193 rep. 6 Edw 7 c. 48, s. 85.</p> <p>S. 174 appld. 6 Edw 7 c. 58, s. 7 (1) (g).</p> <p>S. 194 rep. 61 &amp; 62 Vict., c. 44, s. 8.</p> <p>Ss. 207 208 rep. 6 Edw 7 c. 48, s. 85.</p> <p>S. 210 (1) am. 6 Edw 7 c. 48, s. 64 (1).</p> <p>S. 235 rep. 6 Edw 7 c. 48, s. 85.</p> <p>S. 244 (1) am. 6 Edw 7, c. 48, s. 74 (2).</p> <p>Ss. 246 (2) and (3) rep. pt. 267 rep. pt. and ext. 268 rep. pt. and am. 6 Edw 7 c. 48, ss. 85, 13 14.</p> <p>Ss. 272 am. 283 ext. 6 Edw 7 c. 48, ss. 75 (3) 22.</p> <p>Ss. 291 299 rep. 6 Edw 7 c. 48, s. 85.</p> <p>Ss. 309 310 ext. 6 Edw 7 c. 48, s. 20.</p> <p>Ss. 323 (i), 353 sub. 6 Edw 7 c. 48, ss. 19 24, 85.</p> <p>S. 361 ext. 6 Edw 7 c. 48, s. 18.</p> <p>Ss. 419 (4), 422 (2) rep. 1 &amp; 2 Geo. 5, c. 57 s. 4.</p> <p>Ss. 427 to 431 437 to 443 ext. 6 Edw 7 c. 48 ss. 4, 1.</p> <p>Ss. 437 438 restricted, 6 Edw 7 c. 48, s. 7.</p> <p>Ss. 440 am., 443 (2) ext. 6 Edw 7 c. 48, s. 8.</p> <p>S. 451 rep. 6 Edw 7 c. 48, s. 85.</p> <p>Ss. 452, 454 455 ext. 6 Edw 7 c. 48 s. 3.</p>	

*Chronological Table.*

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1894	57 & 58 Vict., c. 60— <i>contd.</i>	The Merchant Shipping Act, 1894— <i>contd.</i>	<p>S. 459 am 60 &amp; 61 Vict, c 59</p> <p>S 462 rep pt., and am 6 Edw 7, c 48, ss 85, 2, 60 &amp; 61 Vict, c 59, s 1(2)</p> <p>S 483 (2) am 6 Edw 7, c 48, s 68(2)</p> <p>Ss 502 to 509 ext 6 Edw 7, c 48, s. 71, 61 &amp; 62 Vict, c 14, s 1</p> <p>S 503 ext 63 &amp; 64 Vict, c 32, s 1, appld 6 Edw 7, c 58, s. 7 (1) (f), 503 (2) (a) rep pt and am 6 Edw. 7, c. 48, ss 85, 69</p> <p>S 504 appld 63 &amp; 64 Vict c 32, s 2(3), ext 1 &amp; 2 Geo 5, c 42</p> <p>S 508 rep pt 61 &amp; 62 Vict c 14, s 2</p> <p>S 518 ext 6 Edw 7, c 48, s 72</p> <p>S 525 (2) (c) rep pt 8 Edw 7, c 49 (S L R)</p> <p>Ss 531 (2) am, 673 rep, 676 am 61 &amp; 62 Vict c 44</p> <p>S 676 (1) (g) rep (U K.) 8 Edw 7, c 49 (S L R)</p> <p>Ss. 677 am, 678, rep, 679 am 61 &amp; 62 Vict., c 44.</p> <p>Ss 691, 692, 695 appld. 6 Edw 7, c 58, s 7 (1) (c), 11 (3)</p> <p>S 692 appld 5 Edw. 7, c 10, s 1 (3)</p> <p>S 724 ext 6 Edw 7, c 48, s 75</p> <p>Ss 745 (1) rep pt 748 rep, (U K.) 8 Edw 7, c 49 (S L R)</p> <p>Schedules 10 to 14 rep prospectively 6 Edw 7, c 48, s 85</p> <p>Schedule 22 rep (U K.) 8 Edw. 7, c 49 (S L R)</p>	



## Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year.	Regnal No and Chapter	Short title or subject.	How repealed or other wise affected.	REMARKS.
1895	58 Vict. c. 9	The Documentary Evidence Act, 1895.		See p. 1095.
"	58 & 59 Vict. c. 33.	The Extradition Act, 1895.		See p. 1096.
"	58 & 59 Vict. c. 43.	The Naturalization Act, 1895.		See p. 1097
"	58 & 59 Vict. c. 44.	The Judicial Committee Amendment Act, 1895	S. 1 Sch. am. 8 Edw 7 c. 51 s. 3	See p. 109,
1893	59 & 60 Vict. c. 12	The Derelict Vessels (Report) Act, 1896.	S. 2 rep. pt. (U K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 1098.
"	59 & 60 Vict. c. 13.	The Short Titles Act, 1896	S. 4 and in pt. Sch. I and II rep. (U K.) 8 Edw 7 c. 49 (S. L. R.)	See p. 1099 As the short titles conferred by this Act on the Statutes printed in this Collection have been given in loco the schedules of short titles have not been reproduced.
"	59 & 60 Vict. c. 28, s. 37	The Finance Act 1896.	S. 37 rep. pt. (U K.) 8 Edw 7 c. 49 (S. L. R)	See p. 1099 S. 37 alone is reproduced the rest being in applicable to India.
1897	60 Vict., c. 11	The Regular and Elders Widows' Funds Act, 1897	Preamble and in pt. ss. 1 3, 4 5 rep. (U K.) 8 Edw 7 c. 49 (S. L. R.).	See p. 1100.
"	60 & 61 Vict. c. 59.	The Merchant Shipping Act, 1897		See p. 1103.
1898	61 & 62 Vict. c. "	The Reserve Forces and Militia Act 1898.	S. 1 am. 7 Edw 7 c. 9 s. 32 (").	See p. 1104.

*Chronological Table.*STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1898	61 & 62 Vict., c 13	The East India Loan Act, 1898	...	See p 1105
"	61 & 62 Vict., c 14.	The Merchant Shipping (Liability of Shipowners) Act, 1898	S 1 am and rep (pt 6 Edw 7, c 48, ss 70, 85	See p 1106
"	61 & 62 Vict., c 22	The Statute Law Revision Act, 1898	S 3 and Sch rep (U K.) 8 Edw 7, c 49 (S L R)	See p 1106
"	61 & 62 Vict., c 44	The Merchant Shipping (Mercantile Marine Fund) Act, 1898	S 4 rep 6 Edw 7, c 48, s 85, ss 1, 2, 5 (1) rep pt and ss 6, 8, 9 (3), Sch IV, rep (U K.) 8 Edw 7, c 49 (S L R)	See p 1111
1899	62 & 63 Vict., c 3	The Army (Annual) Act, 1899		See p 1117
"	62 & 63 Vict., c 40	The Reserve Forces Act, 1899		See p 1118
1900	63 & 64 Vict., c 14	The Colonial Solicitors Act, 1900	S 7 (2) (3) and Sch rep (U K.) 8 Edw 7 c 49 (S L R).	See p 1119
"	63 & 64 Vict., c 32	The Merchant Shipping (Liability of Shipowners and others) Act 1900		See p 1120
"	63 & 64 Vict., c 42	The Reserve Forces Act, 1900		See p 1122
"	63 & 64 Vict., c 62	The Colonial Stock Act, 1900		See p 1123
1901	1 Edw 7, c 2, ss 1, 4, 5,	Army (Annual) Act, 1901		See p 1124
"	1 Edw 7 c 5	The Demise of the Crown Act, 1901		See p 1124.
"	1 Edw 7, c 15	The Royal Titles Act, 1901		See p 1125

## Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No. and Chapter	Short title or subject.	How repealed or other wise affected.	REMARKS.
1901	1 Edw 7 c. 25.	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901		See p. 1125.
1902	2 Edw 7 c. 36.	The Mail Ships Act, 1902.		See p. 1127
1903	3 Edw 7 c. 11	The Contracts (India Office) Act, 1903.		See p. 1127
1904	4 Edw 7 c. 20.	The Indian Councils Act, 1904.		See p. 1128
1905	5 Edw 7 c. 10	The Shipowners Negligence (Romeas) Act, 1905.		See p. 1128.
"	5 Edw 7 c. 14.	The Medical Act (1886) Amendment Act, 1905		See p. 1129.
"	5 Edw 7 c. 15.	The Trade Marks Act, 1905.		See p. 1130.
	5 Edw 7 c. 19	The East India Loans (Railways) Act, 1905.		See p. 1149
1906	6 Edw 7 c. 5.	The Seamen and Soldiers False Characters Act, 1906.		See p. 1150.
"	6 Edw 7 c. 9	The Indian Railways Act Amendment Act, 1906.		See p. 1151
"	6 Edw 7 c. 11	The Reserve Forces Act 1906.		See p. 1151. (7)
"	6 Edw 7 c. 15.	The Extradition Act, 1906.		See p. 1152.
"	6 Edw 7 c. 30.	The Colonial Marriages (Deceased wife's Sister) Act 1906.		See p. 1153.

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year.	Regnal No and Chapter.	Short title or subject	How repealed or otherwise affected	REMARKS
1906	6 Edw 7, c 40	The Marriage with Foreigners Act, 1906	.	See p 1154.
"	6 Edw 7, c 48	The Merchant Shipping Act, 1906	S 62 explained 1 and 2 Geo 5, c 8	See p 1159
"	6 Edw 7, c 58	The Workmen's Compensation Act, 1906		See p 1194
1907	7 Edw 7, c 9, Parts III, IV	The Territorial and Reserve Forces Act, 1907.	. .	See p 1217. Parts I and II are omitted as being inapplicable to India: the first schedule is omitted, the amendments in the Army Act being incorporated in that Act as printed in Vol I
"	7 Edw. 7, c 16	The Evidence (Colonial Statutes) Act, 1907	.	See p 1223
"	7 Edw 7, c 25	The Commissioners for Oaths (Prize Proceeding) Act, 1907	....	See p 1224.
"	7 Edw. 7, c 35.	The Council of India Act, 1907	. .	See p 1224.
"	7 Edw 7, c 52.	The Merchant Shipping Act, 1907	..	See p. 1225.
1908	8 Edw 7, c. 48, ss 9, 36, 70(3), 85 (1), 87, 93 and 94	The Post Office Act, 1908		See p 1227. The rest of the Act is omitted as being inapplicable to India

*Chronological Table.*

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No. and Chapter	Short title or subject.	How repealed or other wise affected.	REMARKS.
1901	1 Edw 7 c. 25.	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901		See p. 1125.
1902	2 Edw 7 c. 36.	The Mail Ships Act, 1902.		See p. 1127
1903	3 Edw 7 c. 11.	The Contracts (India Office) Act, 1903.		See p. 1127
1904	4 Edw 7 c. 26	The Indian Councils Act, 1904.		See p. 1123.
1905	5 Edw 7 c. 10.	The Shipowners Negligence (Romeike) Act, 1905.		See p. 1123.
"	5 Edw 7 c. 14.	The Medical Act (1886) Amendment Act, 1905		See p. 1120.
"	5 Edw 7 c. 15.	The Trade Marks Act, 1905		See p. 1130.
"	5 Edw 7 c. 19	The East India Loans (Railways) Act, 1905.		See p. 1149.
1906	6 Edw 7 c. 5.	The Seamen and Soldiers False Characters Act, 1906.		See p. 1150.
"	6 Edw 7 c. 9	The Indian Railways Act Amendment Act, 1906.		See p. 1151
"	6 Edw 7 c. 11	The Reserve Forces Act, 1906.		See p. 1151.
"	6 Edw 7 c. 15.	The Extradition Act, 1906.		See p. 1153.
"	6 Edw 7 c. 30	The Colonial Marriages (Deceased wife & Sister) Act 1906.		See p. 1153.

## Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year.	Regnal No and Chapter	Short title or subject	How repealed or other- wise affected	REMARKS.
1906	6 Edw 7, c 40	The Marriage with Foreigners Act, 1906		See p 1154.
"	6 Edw 7, c 48	The Merchant Shipping Act, 1906	S 62 explained 1 and 2 Geo 5, c 8	See p 1159
"	6 Edw 7, c 58.	The Workmen's Compensation Act, 1906		See p 1194
1907	7 Edw 7, c 9, Parts III, IV	The Territorial and Reserve Forces Act, 1907.		See p 1217. Parts I and II are omitted as being inapplic- able to India : the first schedule is omitted, the amendments in the Army Act being incorpor- ated in that Act as printed in Vol I
"	7 Edw. 7, c 16	The Evidence (Colonial Statutes) Act, 1907	. . .	See p 1223
"	7 Edw 7, c 25	The Commissioners for Oaths (Prize Proceeding) Act, 1907	....	See p 1224.
"	7 Edw. 7, c 35.	The Council of In- dia Act, 1907	. . .	See p 1224.
"	7 Edw 7, c 52.	The Merchant Shipping Act, 1907	..	See p. 1225.
1908	8 Edw 7, c 48, ss 9, 36, 76(3), 85 (1), 87, 93 and 94.	The Post Office Act, 1908		See p 1227. The rest of the Act is omitted as being in- applicable to India.

*Chronological Table*STATUTES RELATING TO INDIA—*concd*

Year	Regnal No. and Chapter	Short title or subject.	How repealed or other ways affected	REMARKS
1912	2 Geo. 5, c. 5.	The Army (Annual) Act, 1912.		See p. 1306.
"	2 & 3 Geo 5 c. 6	The Government of India Act, 1912.		See p. 1310
"	2 & 3 Geo 4, c. 15	The Marriages in Japan (Validity) Act, 1912.		See p. 1313.

# A COLLECTION

## OF

# STATUTES RELATING TO INDIA.

### VOLUME II.

#### THE OUDE AND ROHILKUND RAILWAY PURCHASE ACT, 1888

(51 & 52 Vict., c. 5.)

*An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the purchase of the Oude and Rohilkund Railway, and for the construction, extension, and equipment of Railways in India, through the Agency of Companies, and for other purposes relating thereto.*

[27th April, 1888]

[Preamble Rep (U K) 8 Edw 7, c 49 (S L R)]

1. This Act may be cited as the Oude and Rohilkund Railway Purchase Short title. Act, 1888

2. In this Act the expression "Secretary of State" means the Secretary Definition of State in Council of India, unless the context otherwise requires

3. It shall be lawful for the Secretary of State at any time or times <sup>1\* \*</sup> Power to raise 10,336,048*l*. 16*s* 8*d* for purchase of Oude and Rohilkund Railway

to raise in the United Kingdom, for the purchase of the railways, works, stations, telegraphs, engines, carriages, stock, plant, and machinery belonging to or forming the undertaking of the Oude and Rohilkund Railway Company, Limited, and as and when necessary for the discharge and redemption of debentures and debenture stock issued by the Company, any sum or sums of money not exceeding in the whole the sum of ten million three hundred and thirty-six thousand and forty-eight pounds sixteen shillings and eight pence

4. It shall further be lawful for the Secretary of State to raise in the United Kingdom any sum or sums of money not exceeding in the whole ten millions of pounds sterling to be applied, from time to time, in such manner and under such conditions as the Secretary of State may determine for the purposes of constructing, extending, and equipping railways in India through the agency of a company or companies under engagement with the Secretary of State, or in the repayment or discharge of the principal of any bonds or debentures issued by any such company under the guarantee of the Secretary of State

Power to raise 10,000,000*l* for constructing, extending, and equipping railways in India

5. All moneys raised under the authority of this Act shall be raised either by the creation and issue of bonds, debentures, or capital stock bearing interest, or partly by one of such modes and partly by another or others.

Mode of raising moneys

<sup>1</sup> The words "after the passing of this Act" were repealed (U K.) by 8 Edw 7, c 49 S. L. R.).



Securities,  
etc., to be  
charged on  
revenues of  
India.

6 All bonds and debentures issued under this Act and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India in like manner as other liabilities incurred on account of the Government of India

Limit of  
charge on  
revenues  
of India.

7 The whole amount of principal moneys to be charged on the revenues of India under this Act shall not exceed ten millions of pounds sterling beyond the amount required to be charged for the purchase of the Oude and Rohilkund Railway and for the discharge of the debentures and debenture stock mentioned in the schedule to this Act annexed.

Power to  
re-borrow

8 Upon or for the repayment of any principal moneys secured under the authority of this Act the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the whole amount to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid.

As to issue  
of bonds.

9 All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India and countersigned by the Secretary of State for India or one of his under secretaries, or his assistant under secretary and shall be for such respective amounts, payable after such notice and at such rate or rates of interest as the Secretary of State may think fit.

As to issue of  
debentures.

10 All debentures issued under the authority of this Act may be issued under the hands of two members of the Council of India and countersigned as aforesaid, for such respective amounts and at such rate or rates of interest as the Secretary of State may think fit and shall be issued at or for such price and on such terms as may be determined by the Secretary of State.

As to pay-  
ment of  
principal and  
interest on  
debentures.

11. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively and the interest on all such debentures shall be paid on such days as shall be mentioned therein and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in London or at the Bank of England

Mode of  
transfer of  
debentures.

12 Debentures issued under the authority of this Act, and all right to and in respect of the principal and interest moneys secured thereby shall be transferable by the delivery of such debentures or at the discretion of the Secretary of State by deed provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery

Capital stock.

13 Any capital stock created under the authority of this Act shall bear such rate of interest as the Secretary of State may think fit and such capital stock may be issued on such terms as may be determined by the Secretary of State, and any such capital stock may bear interest during such period, and be

paid off at par at such time as the Secretary of State may prescribe previously to the issue of such capital stock.

14. In case of the creation and issue of any such capital stock, there shall be kept, either at the office of the Secretary of State in London or at the Bank of England, books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same, or any part thereof, shall be entered and registered and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or any part thereof, or any interest therein, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them

Transfer  
books of  
capital stock

15. The provisions contained in section four of the Act<sup>1</sup> of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

5 & 6 Will. 4,  
c 64, s 4,  
extended to  
bonds and  
debentures  
under Act

16. All provisions now in force in any wise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any bond or debenture issued under the authority of this Act

Punishment  
of forgery  
of bonds and  
debentures

17. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing thereof.

Saving  
existing  
borrowing  
powers

18. <sup>2</sup>[Any capital stock created under this Act shall be deemed to be East India stock, within the Act<sup>1</sup> of the twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide; and] any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act<sup>1</sup> of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding

Extension of  
22 & 23 Vict.,  
c 35, s. 32,  
26 & 27 Vict.,  
c 73,  
to capital  
stock under  
Act.

19. The amount of all moneys raised under this Act and the manner in which the same shall have been applied shall be shown in the half-yearly returns of all loans raised in England to be prepared by the Secretary of State and presented to both Houses of Parliament under the provisions of section fifteen of the Act forty-two and forty-three Victoria, chapter sixty.<sup>1</sup>

Amount, etc,  
of moneys  
raised under  
Act to be  
shown in  
parliamentary return

<sup>1</sup> Printed Vol. L.

<sup>2</sup> Repealed (U K) 8 Edw 7, c. 49, (S. L. R.)

# SCHEDULE

## DEBENTURES OF THE OUDE AND ROHILKUND RAILWAY COMPANY

Amounts.	Dates of Redemption.	Rates of Interest per Annum.
£		
300 000	1 May 1883	4 per cent.
345,000	16 May 1888	" "
500 000	1 June, 1888	" "
740 000	1 August, 1888	3½ "
500 000	1 December 1890	" "
31,000	16 August, 1891	" "
1,000 000	1 April, 1892	" "
155 000	16 May 1892	" "
615 900	4 June, 1892	" "
303,000	16 August, 1893	" "
425,000	1 October 1893	" "
4,915,300		

## DEBENTURE STOCK CREATED BY THE COMPANY

384 700l., bearing interest at 4 per cent. redeemable at par at the option of the Secretary of State at any time after 6th May 1893, upon six months notice being published in the "London Gazette."

## THE COMMISSIONERS FOR OATHS ACT 1889<sup>1</sup>

(52 & 53 Vict., c. 10)

*An Act for amending and consolidating enactments relating to the administration of Oaths*

[31st May 1889]

\* \* \* \* \*

1 (1) The Lord Chancellor may from time to time by commission signed by him, appoint persons being practising solicitors or other fit and proper persons to be commissioners for oaths, and may revoke any such appointment.

(2) A commissioner for oaths may by virtue of his commission in England or elsewhere administer any oath or take any affidavit for the purposes of any court or matter in England including any of the ecclesiastical courts or jurisdictions matters ecclesiastical matters relating to application for notarial

<sup>1</sup> Explained and amended by 53 & 54 Vict., c. 7 and 54 & 55 Vict., c. 50.  
See also 7 Edw. 7 c. 25 for collective short title.

faculties, and matters relating to the registration of any instrument, whether under an Act of Parliament or otherwise, and take any bail of recognizance in or for the purpose of any civil proceeding in the Supreme Court, including all proceedings on the revenue side of the Queen's Bench Division

(3) Provided that a commissioner for oaths shall not exercise any of the powers given by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested

2 Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorised by a judge of the court, or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties

Powers of certain officers of court, etc., to administer oath.

3 (1) Any oath or affidavit required for the purpose of any court or matter in England, or for the purpose of the registration of any instrument in any part of the United Kingdom, may be taken or made in any place out of England before any person having authority to administer an oath in that place

Taking of oaths out of England

(2) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any such oath or affidavit

4 The Lord Chancellor may, whenever it appears to him necessary to do so, authorise any person to administer oaths and take affidavits for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Her Majesty's dominions, and it shall not be necessary to affix any stamp to the document by which he is so authorised

Appointment of persons to administer oaths for prize proceedings.

<sup>1</sup>[Any officer for the time being holding any prescribed office on board any of His Majesty's ships, or any of His Majesty's ships of any prescribed class, shall, whilst on the high seas or out of His Majesty's dominions by virtue of his office, be empowered to administer oaths and take affidavits for any purpose relating to proceedings in any prize court within the meaning of the Naval Prize Act, 1864, as amended by any subsequent enactment

In the section the expression 'prescribed' means prescribed in any regulations made by the Admiralty with the consent of the Lord Chancellor, and the expression 'His Majesty's ships' includes any of His Majesty's vessels of war and any hired ship or vessel in His Majesty's service

Any document purporting to have subscribed thereto the signature of any person authorised by or under this section to administer an oath, in testimony of any oath or affidavit being administered or taken before him, shall be admitted in evidence without proof of the signature being the signature of that person, or of the official character of that person ]

<sup>1</sup> The paragraphs within square brackets were inserted by 7 Edw 7, c. 25, s. 1 post

Jurat to state where and when oath is taken.  
Powers as to oaths and notarial acts abroad.

5 Every commissioner before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made

6 (1) Every British ambassador envoy minister charge d'affaires and secretary of embassy or legation exercising his functions in any foreign country and every British consul-general, consul, vice-consul, acting consul pro-consul and consular agent [acting consul general acting vice-consul, and acting consular agent]<sup>1</sup> exercising his functions in any foreign place, may in that country or place, administer any oath and take any affidavit and also do any notarial act which any notary public can do within the United Kingdom, and every oath affidavit and notarial act administered sworn or done by or before any such person shall be as effectual as if duly administered sworn, or done by or before any lawful authority in any part of the United Kingdom

(2) Any document purporting to have affixed impressed, or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath affidavit, or act being administered, taken, or done by or before him shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person or of the official character of that person.

7 Whoever wilfully and corruptly swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act, shall be guilty of perjury in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of perjury

8. Whoever forges, counterfeits or fraudulently alters the seal or signature of any person authorized by or under this Act to administer an oath or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered knowing the same to be forged counterfeited or fraudulently altered, shall be guilty of felony and liable on conviction to penal servitude for any term not exceeding seven years and not less than five years or to imprisonment with or without hard labour for any term not exceeding two years.

9 Any offence under this Act, whether committed within or without Her Majesty's dominions, may be inquired of dealt with tried and punished in any county or place in the United Kingdom in which the person charged with the offence was apprehended or is in custody, and for all purposes incidental to or consequential on the trial or punishment the offence shall be deemed to have been committed in that county or place.

10 Where any offence under this Act is alleged to have been committed with respect to any affidavit, a judge of any court before which the affidavit is produced may order the affidavit to be impounded and kept in such custody and for such time and on such conditions as he thinks fit

11 In this Act, unless the context otherwise requires,—  
Oath includes affirmation and declaration

<sup>1</sup> The words in square brackets were inserted by 51 & 53 Vict., c 50 s. 2 post.

52 & 53 Vict., c. 10.] *The Commissioners for Oaths Act, 1889* 761

52 & 53 Vict., c. 63.] *The Interpretation Act, 1889*

“Affidavit” includes affirmation, statutory or other declaration, acknowledgment, examination, and attestation or protestation of honour:

“Swear” includes affirm, declare, and protest

“Supreme Court” means the Supreme Court of Judicature in England.

12 [Repeal—Rep (U. K) 8 Edw. 7, c 49 (S L R)]

13 A commissioner authorised before the commencement of this Act to administer oaths in the Supreme Court shall be deemed to be a commissioner for oaths within the meaning of this Act

Commissions issued before commencement of Act.

14 This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety

Commencement

15 This Act may be cited as the Commissioners for Oaths Act, 1889.

Short title

*Schedule* [Repeals—Rep (U K) 8, Edw 7, c 49 (S L R)]

## THE INTERPRETATION ACT, 1889.

(52 & 53 Vict, c 63.)

*An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament*

[30th August, 1889]

\* \* \* \* \*

### *Re-enactment of existing Rules*

1. (1) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

Rules as to gender and number.

(a) words importing the masculine gender shall include females, and

(b) words in the singular shall include the plural, and words in the plural shall include the singular

(2) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty

2 (1) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression “person” shall, unless the contrary intention appears, include a body corporate

Application of penal Acts to bodies corporate

(2) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved,

it shall be payable to a body corporate in every case where that body is the party aggrieved.

3 In every Act passed after the year one thousand eight hundred and fifty whether before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meaning hereby respectively assigned to them namely—

The expression month shall mean calendar month

The expression land shall include messuages tenements and hereditaments, houses and buildings of any tenure

The expressions oath and affidavit shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing include affirmation and declaration, and the expression swear shall, in the like case include affirm and declare

4 In every Act passed after the year one thousand eight hundred and fifty and before the commencement of this Act, the expression county shall, unless the contrary intention appears, be construed as including a county of a city and a county of a town.

5 In every Act passed after the year one thousand eight hundred and sixty six whether before or after the commencement of this Act, the expression parish shall, unless the contrary intention appears, mean, as respects England and Wales a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

6 In this Act, and in every Act, and order of Council passed or made after the year one thousand eight hundred and forty-six, whether before or after the commencement of this Act, the expression county court shall, unless the contrary intention appears mean as respects England and Wales a court under the County Courts Act, 1888

7 In every Act relating to Scotland, whether passed before or after the commencement of this Act unless the contrary intention appears— 51 & 52 c. 43.

The expression, sheriff clerk shall include steward clerk

The expressions shire sheriffdom and county shall include any stewardry in Scotland

8 Every section of an Act shall have effect as a substantive enactment without introductory words.

9 Every Act passed after the year one thousand eight hundred and fifty whether before or after the commencement of this Act shall be a public Act and shall be judicially noticed as such unless the contrary is expressly provided by the Act.

10 Any Act may be altered, amended or repealed in the same session of Parliament.

11 (1) Where an Act passed after the year one thousand eight hundred and fifty whether before or after the commencement of this Act repeals a

Meanings of certain words in Acts since 1850

Meaning of "county" in past Acts.

Meaning of "parish."

Meaning of "county court."

Meaning of "sheriff clerk, etc. in Scotch Acts."

Sections to be substantive enactments. Acts to be public Acts.

Amendment or repeal of Acts in same session. Effect of repeal in

repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment Acts passed since 1850

(2) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation

### *New General Rules of Construction*

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely — Official definitions in past and future Acts

(1) The expression “the Lord Chancellor” shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being

(2) The expression “the Treasury” shall mean the Lord High Treasurer for the time being of the Commissioners for the time being of Her Majesty’s Treasury

(3) The expression “Secretary of State” shall mean one of Her Majesty’s Principal Secretaries of State for the time being

(4) The expression “the Admiralty” shall mean the Lord High Admirals of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom

(5) The expression “the Privy Council” shall, except when used with reference to Ireland only, mean the Lords and others for the time being of Her Majesty’s Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being

(6) The expression “the Education Department” shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education.

(7) The expression “the Scotch Education Department” shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education in Scotland

(8) The expression “the Board of Trade” shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations

(9) The expression “Lord Lieutenant” when used with reference to Ireland shall mean the Lord Lieutenant of Ireland or other Chief Governors or Governor of Ireland for the time being

(10) The expression “Chief Secretary,” when used with reference to Ireland, shall mean the Chief Secretary to the Lord Lieutenant for the time being



(11) The expression *Postmaster General* shall mean Her Majesty's Postmaster General for the time being

(12) The expression *Commissioners of Woods* or *Commissioners of Woods and Forests* shall mean the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being

(13) The expression *Commissioners of Works* shall mean the Commissioners of Her Majesty's Works and Public Buildings for the time being

(14) The expression *Charity Commissioners* shall mean the Charity Commissioners for England and Wales for the time being.

(15) The expression *Ecclesiastical Commissioners* shall mean the Ecclesiastical Commissioners for England for the time being

(16) The expression *Queen Anne's Bounty* shall mean the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy

(17) The expression *National Debt Commissioners* shall mean the Commissioners for the time being for the Reduction of the National Debt.

(18) The expression *the Bank of England* shall mean as circumstances require the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England

(19) The expression *the Bank of Ireland* shall mean as circumstances require, the Governor and Company of the Bank of Ireland or the bank of the Governor and Company of the Bank of Ireland.

(20) The expression *consular officer* shall include consul-general, consul vice-consul, consular agent, and any person for the time authorised to discharge the duties of the consul-general, consul or vice-consul

13 In this Act and in every other Act whether passed before or after the commencement of this Act the following expressions shall unless the contrary intention appears, have the meanings hereby respectively assigned to them namely —

(1) The expression *Supreme Court* when used with reference to England or Ireland shall mean the Supreme Court of Judicature in England or Ireland, as the case may be or either branch thereof

(2) The expression *Court of Appeal* when used with reference to England or Ireland shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be

(3) The expression *High Court*, when used with reference to England or Ireland shall mean Her Majesty's High Court of Justice in England or Ireland as the case may be

(4) The expression *court of assize* shall as respects England, Wales and Ireland mean a court of assize, a court of oyer and terminer and a court of gaol delivery or any of them as respects England and Wales include the Central Criminal Court

(5) The expression *assizes* as respects England, Wales and Ireland shall mean the courts of assize usually held in every year and shall include the sessions of the Central Criminal Court but shall not include any court

of assize held by virtue of any special commission, or, as respects Ireland, any court held by virtue of the powers conferred by section sixty-three of the Supreme Court of Judicature Act (Ireland), 1877

(6) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders"

(7) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction English Acts," shall respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts or either of them

(8) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act, past or future, amending those Acts or either of them

(9) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act, past or future, amending the same

(10) The expression "the Summary Jurisdiction Acts" when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts

(11) The expression "court of summary Jurisdiction" shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law

(12) The expression "petty sessional court" shall, as respects England or Wales, mean a court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house, and shall include the Lord Mayor of the City of London, and any alderman of that city, and any metropolitan or borough police magistrate or other stipendiary magistrate when sitting in a court-house or place at which he is authorised by law to do alone any act authorised to be done by more than one justice of the peace

(13) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall

40 & 41 Vict.,  
c. 57.

11 & 12 Vict.,  
c. 43  
42 & 43 Vict.,  
c. 49

27 & 28 Vict.,  
c. 53  
44 & 45 Vict.,  
c. 33

14 & 15 Vict.,  
c. 93

mean any such court-house or place. The expression shall also include any court house or place at which the Lord Mayor of the city of London or any alderman of that city or any metropolitan or borough police magistrate or other stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(14) The expression *court of quarter sessions* shall mean the justices of any county riding, parts division, or liberty of a county or of any county of a city or county of a town in general or quarter sessions assembled, and shall include the court of the recorder of a municipal borough having a separate court of quarter sessions.

14 In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression *rules of court* when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court and as regards Scotland shall include *acts of adjournal* and *acts of soderunt*.

The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act passed after the commencement of this Act and directing or authorising anything to be done by *rules of court*.

15 In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them namely —

(1) The expression *municipal borough* shall mean, as respects England and Wales, any place for the time being subject to the Municipal Corporations Act, 1882 and any reference to the mayor aldermen and burgesses of a borough shall include a reference to the mayor, aldermen and citizens of a city, and any reference to the powers duties, liabilities or property of the council of a borough shall be construed as a reference to the powers, duties, liabilities, or property of the mayor aldermen, and burgesses of the borough acting by the council.

(2) The expression *municipal borough* shall mean, as respects Ireland, any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight intituled An Act for the regulation of municipal corporations in Ireland."

(3) The expression "*parliamentary borough*" shall mean any borough place or combination of places returning a member or members to serve in Parliament, and not being either a county or division of a county or a university or a combination of universities.

(4) The expression *borough* when used in relation to local Government shall mean a municipal borough as above defined and when used in relation to parliamentary elections or the registration of parliamentary electors shall mean a parliamentary borough as above defined.

Meaning of  
"rules of  
court."

Meaning of  
borough.

16. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely —

Meaning of  
guardians  
and union.

4 & 5 Will 4,  
c 76

(1) The expression "board of guardians" shall, as respects England and Wales, mean a board of guardians elected under the Poor Law Amendment Act 1834, and the Acts amending the same, and shall include a board of guardians or other body of persons performing under any local Act the like functions to a board of guardians under the Poor Law Amendment Act, 1834.

(2) The expression "poor law union" shall, as respects England and Wales, mean any parish or union of parishes for which there is a separate board of guardians

(3) The expression "board of guardians" shall, as respects Ireland, mean a board of guardians elected under the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act for the more effectual relief of the destitute poor in Ireland," and the Acts amending the same, and shall include any body of persons appointed by the Local Government Board for Ireland to carry into execution the provisions of those Acts

(4) The expression "poor law union" shall, as respects Ireland, mean any townland or place or union, or townlands or places, for which there is a separate board of guardians

17 In every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely —

Definitions  
relating to  
elections

(1) The expression "parliamentary election" shall mean the election of a member or members to serve in Parliament for a county or division of a county, or parliamentary borough or division of a parliamentary borough, or for a university or combination of universities

(2) The expression "parliamentary register of electors" shall mean a register of persons entitled to vote at any parliamentary election

(3) The expression "local government register of electors" shall mean as respects an administrative county in England or Wales other than a county borough, the county register, and as respects a county borough or other municipal borough, the burgess roll

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely —

Geographical  
and colonial  
definitions in  
future Acts

(1) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2) The expression "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.

(3) The expression colony shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall for the purposes of this definition, be deemed to be one colony

(4) The expression British India shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General of India or through any governor or other officer subordinate to the Governor General of India.

(5) The expression India shall mean British India, together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor General of India or through any governor or other officer subordinate to the Governor General of India.

(6) The expression Governor shall, as respects Canada and India, mean the Governor General, and include any person who for the time being has the powers of the Governor General, and as respects any other British possession shall include the officer for the time being administering the government of that possession.

(7) The expression colonial legislature and the expression legislature, when used with reference to a British possession, shall respectively mean the authority other than the Imperial Parliament or Her Majesty the Queen in Council, competent to make laws for a British possession.

19 In this Act and in every Act passed after the commencement of this Act the expression person shall unless the contrary intention appears, include any body of persons corporate or unincorporate.

20 In this Act, and in every other Act whether passed before or after the commencement of this Act, expressions referring to writing shall unless the contrary intention appears, be construed as including references to printing, lithography photography and other modes of representing or reproducing words in a visible form

21 In this Act, and in every other Act whether passed before or after the commencement of this Act the expression "statutory declaration" shall unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835<sup>1</sup>

22 In this Act and in every Act passed after the commencement of this Act the expression financial year shall, unless the contrary intention appears mean as respects any matters relating to the Consolidated fund or moneys provided by Parliament or to the Exchequer or to Imperial taxes or finance the twelve months ending the thirty first day of March

23 In any Act passed after the commencement of this Act unless the contrary intention appears —

The expression Lands Clauses Acts shall mean—

(a) as respects England and Wales the Lands Clauses Consolidation

Meaning of "person" in future Acts.

Meaning of "writing" in past and future Acts.

Meaning of "statutory declaration" in past and future Acts.

Meaning of "financial year" in future Acts.

Definition of Lands Clauses Acts.

5 & 6 Vict. c. 6.

5 & 9 Vict. c. 18.

- 23 & 24 Vict.,  
c. 106  
32 & 33 Vict.,  
c. 18.  
46 & 47 Vict.,  
c. 15  
S & 9 Vict.,  
c. 19  
23 & 24 Vict.,  
c. 106
- Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860 the Lands Clauses Consolidation Act, 1869, and the Lands Clauses (Umpire) Act, 1883, and any Acts for the time being in force amending the same, and
- (b) as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and any Acts for the time being in force amending the same, and
- (c) as respects Ireland, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act, and any Acts for the time being in force amending the same
- S & 9 Vict.,  
c. 18  
23 & 24 Vict.,  
c. 97  
14 & 15 Vict.,  
c. 70  
27 & 28 Vict.,  
c. 71  
31 & 32 Vict.,  
c. 70

24. In any Act passed before or after the commencement of this Act, the expression "Irish Valuation Acts" shall mean the Acts relating to the valuation of rateable property in Ireland. Meaning of Irish Valuation Acts

25. In this Act, and in every other Act whether passed before or after the commencement of this Act, the expression "ordnance map" shall, unless the contrary intention appears, mean a map made under the powers conferred by the Survey (Great Britain) Acts, 1841 to 1870, or by the Survey (Ireland) Acts, 1825 to 1870, and the Acts amending the same respectively. Meaning of "ordnance map"

26 Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve" or the expression "give" or "send" or any other expression is used then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post. Meaning of service by post

27 In every Act passed after the commencement of this Act, the expression "committed for trial" used in relation to any person shall, unless the contrary intention appears, mean, as respects England and Wales, committed to prison with the view of being tried before a judge and jury, whether the person is committed in pursuance of section twenty-two or of section twenty-five of the Indictable Offences Act, 1848, or is committed by a court, judge, coroner or other authority having power to commit a person to any prison with a view to his trial, and shall include a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury. Meaning of "committed for trial"

28 In this Act, and in every Act passed after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff" shall, as respects Scotland, include a sheriff substitute Meanings of "sheriff," "felony," and "misdemeanour" in future Scotch Acts

The expression "felony" shall, as respects Scotland, mean a high crime and offence.

The expression *misdeemeanour* shall, as respects Scotland mean an offence.

Meaning of  
county  
court" in  
future Irish  
Acts.

29 In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression *county court* shall as respects Ireland, mean a civil bill court within the meaning of the County Officers and Courts (Ireland) Act, 1877

References to  
the Crown.

30 In this Act, and in every other Act whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears be construed as references to the Sovereign for the time being and this Act shall be binding on the Crown.

Construction  
of statutory  
rules, etc.

31 Where any Act whether passed before or after the commencement of this Act confers power to make, grant, or issue any instrument, that is to say any Order in Council, order warrant scheme letters patent, rules regulations or byelaws expressions used in the instrument if it is made after the commencement of this Act, shall unless the contrary intention appears, have the same respective meanings as in the Act conferring the power

Construction  
of provisions  
as to exercise  
of powers  
and duties.

32 (1) Where an Act passed after the commencement of this Act confers a power or imposes a duty then unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such then unless the contrary intention appears the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3) Where an Act passed after the commencement of this Act confers a power to make any rules regulations, or byelaws the power shall unless the contrary intention appears be construed as including a power, exercisable in the like manner and subject to the like consent and conditions if any to rescind revoke amend, or vary the rules regulations or byelaws.

Provisions as  
to offences  
under two or  
more laws.

33 Where an act or omission constitutes an offence under two or more Acts or both under an Act and at common law whether any such Act was passed before or after the commencement of this Act, the offender shall unless the contrary intention appears be liable to be prosecuted and punished under either or any of those Acts or at common law but shall not be liable to be punished twice for the same offence.

Measurement  
of distances.

34 In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall unless the contrary intention appears be measured in a straight line on a horizontal plane

Citation of  
Acts

35 (1) In any Act, instrument or document an Act may be cited by reference to the short title if any of the Act either with or without a reference to the chapter or by reference to the regnal year in which the Act was passed and where there are more statutes or sessions than one in the same regnal year by reference to the statute or the session as the case may require

and where there are more chapters than one, by reference to the chapter and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission, and in other cases to the copies of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office

(3) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation

36. (1) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation. "Commencement."

(2) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day

37. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation. Exercise of statutory powers between passing and commencement of Act

38. (1) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted Effect of repeal in future Acts



(2) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect or
- (b) affect the previous operation of any enactment so repealed or any thing duly done or suffered under any enactment so repealed, or
- (c) affect any right privilege obligation, or liability acquired accrued or incurred under any enactment so repealed or
- (d) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty, forfeiture or punishment as aforesaid

and any such investigation, legal proceeding or remedy may be instituted continued, or enforced, and any such penalty forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

### *Supplemental.*

Definition of  
"Act" in  
this Act.  
Saving for  
past Acts.

39 In this Act the expression 'Act' shall include a local and personal Act and a private Act.

40 The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

41 [*Repeal. Rep (U K ) 8 Edw 7 c. 49 (S L R )*]

Commence-  
ment of Act.  
Short title.

42 This Act shall come into operation on the first day of January one thousand eight hundred and ninety

43 This Act may be cited as the Interpretation Act 1889

### SCHEDULE

[*Repeals Rep (U K ) 8 Edw 7 c. 49 (S L R )*]

### THE SOUTH INDIAN RAILWAY PURCHASE ACT, 1890 ( 53 & 54 Vict., c 6 )

*An Act to empower the Secretary of State in Council of India to raise Money in the United Kingdom for the Purchase of the South Indian Railway and for other purposes relating thereto*

[*2nd May 1890*]

[*Preamble Rep (U K ) 8 Edw 7 c. 49 (S L R.)*]

Short title.

1 This Act may be cited as the South Indian Railway Purchase Act 1890

2. In this Act the expression "Secretary of State" means the Secretary Definition of State in Council of India, unless the context otherwise requires

3. It shall be lawful for the Secretary of State at any time or times <sup>1\*</sup> to raise in the United Kingdom, for the purchase of the rail-ways, works, stations, telegraphs, engines, carriages, stock, plant, and machinery, belonging to or forming the undertaking of the South Indian Railway Company, and as and when necessary for the discharge and redemption of debentures issued by the Company, any sum or sums of money not exceeding in the whole the sum of five million two hundred and sixty-seven thousand five hundred and fifty-six pounds eleven shillings and two pence

<sup>1\*</sup> Power to raise 5,267,556l 11s 2d for purchase of South Indian Railway

4. All moneys raised under the authority of this Act shall be raised either by the creation and issue of bonds, debentures, or capital stock bearing interest, or partly by one of such modes and partly by another or others

Mode of raising moneys ✓

5. All bonds and debentures issued under this Act, and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India

Securities, etc., to be charged on revenues of India

6. The whole amount of principal moneys to be charged on the revenues of India under this Act shall not exceed the amount required to be charged for the purchase of the South Indian Railway, and for the discharge of the debentures mentioned in the schedule to this Act annexed

Limit of charge on revenues of India

7. Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the whole amount to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid

Power to re-borrow

8. All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India or one of his under secretaries, or his assistant under Secretary and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the Secretary of State may think fit

As to issue of bonds

9. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned as aforesaid for such respective amounts, and at such rate or rates of interest as the Secretary of State may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State

As to issue of debentures.

10. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively,

As to payment of principal and

<sup>1</sup> The words "after the passing of this Act" were repealed (U K) by 8 Edw 7, c 49 (S L R)

Interest on  
debentures.

and the interest on all such debentures shall be paid on such days as shall be mentioned therein and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in London or at the Bank of England.

Mode of  
transfer of  
debentures.

11 Debentures issued under the authority of this Act and all right to and in respect of the principal and interest moneys secured thereby shall be transferable by the delivery of such debentures, or at the discretion of the Secretary of State by deed provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery

Capital  
stock.

12 Any capital stock created under the authority of this Act shall bear such rate of interest as the Secretary of State may think fit, and such capital stock may be issued on such terms as may be determined by the Secretary of State and any such capital stock may bear interest during such period and be paid off at par at such time as the Secretary of State may prescribe previously to the issue of such capital stock

Transfer  
books of  
capital  
stock.

13 In case of the creation and issue of any such capital stock, there shall be kept, either at the office of the Secretary of State in London or at the Bank of England books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same or any part thereof shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or if such parties be absent by his, her or their attorney or attorneys thereunto lawfully authorised by writing under his her or their hands and seals, to be attested by two or more credible witnesses and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her or their acceptance thereof, and no other mode of assigning or transferring the said capital stock or any part thereof or any interest therein shall be good and available in law and no stamp duties whatsoever shall be charged on the said transfers or any of them

5 & 6 WILL.  
4 c. 61 s. 4  
extended  
to bonds and  
debentures  
under Act.

14 The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth chapter sixt four with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds and the exemption of their bonds from stamp duties shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act as if such provisions were here repeated and re-enacted with reference thereto

Punishment  
of forgery  
of bonds and  
debentures.

15 All provisions now in force in anywise relating to the offence of forging or altering or offering uttering disposing of or putting off knowing the same to be forged or altered any East India bond with intent to defraud, shall extend and be applicable to and in respect of any bond or debenture issued under the authority of this Act

Saving  
existing  
borrowing  
powers.

16 This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing hereof

53 & 54 Vict., c. 7 ] *The Commissioners for Oaths Amendment Act, 1890.*

17. Any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding.

Extension of 26 & 27 Vict., c 73, to capital stock under Act.  
Amount, etc., of moneys raised under Act to be shown in Parliamentary return

18. The amount of all moneys raised under this Act and the manner in which the same shall have been applied shall be shown in the half-yearly returns of all loans raised in England to be prepared by the Secretary of State and presented to both Houses of Parliament under the provisions of section fifteen of the Act forty-two and forty-three Victoria, chapter sixty.<sup>1</sup>

### SCHEDULE

#### DEBENTURE OF THE SOUTH INDIAN RAILWAY COMPANY.

Amounts.	Dates of Redemption	Rates of Interest per Annum
£		
86,100	1 July, 1891	3½ per cent.
150,000	1 July, 1892	" "
520,200	1 July, 1893	" "
313,700	1 July, 1896	3¼ "
1,070,000		

#### THE COMMISSIONERS FOR OATHS AMENDMENT ACT, 1890 <sup>2</sup>

(53 & 54 Vict., c 7)

*An Act to amend the Commissioners for Oaths Act, 1889.*

[22nd May, 1890.]

\* \* \* \* \*

1. An affidavit to be used in a county court may be sworn before any Commissioner to administer oaths in the Court of Chancery of the county palatine of Lancaster not being a registrar of a county court

Swearing of affidavit.

2. This Act may be cited as the Commissioners for Oaths Amendment Act, 1890

Short title.

<sup>1</sup> The East India Loan Act, 1879 (42 & 43 Vict. c 60) printed Vol. I.

<sup>2</sup> See 7 Edw 7, c 25 for collective short title.

## THE COLONIAL COURTS OF ADMIRALTY ACT 1890

(53 &amp; 54 Vict., c. 27)

*An Act to amend the Law respecting the exercise of Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the United Kingdom*

[25th July 1890]

\* \* \* \* \*

Short title.  
Colonial  
Courts of  
Admiralty

1. This Act may be cited as the Colonial Courts of Admiralty Act, 1890

2 (1) Every court of law in a British possession, which is for the time being declared in pursuance of this Act to be a court of Admiralty or which if no such declaration is in force in the possession, has therein original unlimited civil jurisdiction, shall be a court of Admiralty with the jurisdiction in this Act mentioned and may for the purpose of that jurisdiction exercise all the powers which it possesses for the purpose of its other civil jurisdiction and such court in reference to the jurisdiction conferred by this Act is in this Act referred to as a Colonial Court of Admiralty Where in a British possession the Governor is the sole judicial authority the expression court of law for the purposes of this section includes such Governor

(2) The jurisdiction of a Colonial Court of Admiralty shall subject to the provisions of this Act be over the like places, persons, matters, and things, as the Admiralty jurisdiction of the High Court in England whether existing by virtue of any statute or otherwise, and the Colonial Court of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England and shall have the same regard as that Court to international law and the comity of nations

(3) Subject to the provisions of this Act any enactment referring to a Vice-Admiralty Court, which is contained in an Act of the Imperial Parliament or in a Colonial law shall apply to a Colonial Court of Admiralty and be read as if the expression Colonial Court of Admiralty were therein substituted for "Vice-Admiralty Court" or for other expressions respectively referring to such Vice-Admiralty Courts or the judge thereof and the Colonial Court of Admiralty shall have jurisdiction accordingly

Provided as follows —

(a) Any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England when applied to a Colonial Court of Admiralty in a British possession shall be read as if the name of that possession were therein substituted for England and Wales and

(b) A Colonial Court of Admiralty shall have under the Naval Prize Act<sup>1</sup> 1794 and under the Slave Trade Act 1873<sup>2</sup> and any enactment relating to prize or the slave trade the jurisdiction thereby conferred

<sup>1</sup> 27 A. 73 Vict., c. 23, printed Vol. L

<sup>2</sup> 36 & 37 Vict., c. 84, printed Vol. L

<sup>1</sup> 7 A. 73  
1794, c. 23,  
31 & 37 Vict.  
c. 84

ferred on a Vice-Admiralty Court and not the jurisdiction thereby conferred exclusively on the High Court of Admiralty or the High Court of Justice, but, unless for the time being duly authorised, shall not by virtue of this Act exercise any jurisdiction under the Naval Prize Act, 1864<sup>1</sup>, or otherwise in relation to prize, and

(c) A Colonial Court of Admiralty shall not have jurisdiction under this Act to try or punish a person for an offence which according to the law of England is punishable on indictment, and

(d) A Colonial Court of Admiralty shall not have any greater jurisdiction in relation to the laws and regulations relating to Her Majesty's Navy at sea, or under any Act providing for the discipline of Her Majesty's Navy, than may be from time to time conferred on such court by Order in Council

(4) Where a court in a British possession exercises in respect of matters arising outside the body of a county or other like part of a British possession any jurisdiction exercisable under this Act, that jurisdiction shall be deemed to be exercised under this Act and not otherwise

3. The legislature of a British possession may by any Colonial law—

(a) declare any court of unlimited civil jurisdiction, whether original or appellate, in that possession to be a Colonial Court of Admiralty, and provide for the exercise by such court of its jurisdiction under this Act, and limit territorially, or otherwise, the extent of such jurisdiction, and

Power of Colonial legislature as to Admiralty jurisdiction

(b) confer upon any inferior or subordinate court in that possession such partial or limited Admiralty jurisdiction under such regulations and with such appeal (if any) as may seem fit

Provided that any such Colonial law shall not confer any jurisdiction which is not by this Act conferred upon a Colonial Court of Admiralty

4. Every Colonial law which is made in pursuance of this Act, or affects the jurisdiction of or practice or procedure in any court of such possession in respect of the jurisdiction conferred by this Act, or alters any such Colonial law as above in this section mentioned, which has been previously passed, shall, unless previously approved by Her Majesty through a Secretary of State, either be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that such law shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed

Reservation of Colonial law for Her Majesty's assent

5. Subject to rules of court under this Act, judgments of a court in a British possession given or made in the exercise of the jurisdiction conferred on it by this Act, shall be subject to the like local appeal, if any, as judgment of the court in the exercise of its ordinary civil jurisdiction, and the court

Local Admiralty appeal

having cognizance of such appeal shall for the purpose thereof possess all the jurisdiction by this Act conferred upon a Colonial Court of Admiralty

Admiralty  
appeal to  
the Queen  
in Council

6 (1) The appeal from a judgment of any court in a British possession in the exercise of the jurisdiction conferred by this Act, either where there is as of right no local appeal or after a decision on local appeal lies to Her Majesty the Queen in Council

(2) Save as may be otherwise specially allowed in a particular case by Her Majesty the Queen in Council an appeal under this section shall not be allowed—

(a) from any judgment not having the effect of a definitive judgment unless the court appealed from has given leave for such appeal nor

(b) from any judgment unless the petition of appeal has been lodged within the time prescribed by rules, or if no time is prescribed within six months from the date of the judgment appealed against, or if leave to appeal has been given then from the date of such leave.

(3) For the purpose of appeals under this Act, Her Majesty the Queen in Council and the Judicial Committee of the Privy Council shall subject to rules under this section have all such powers for making and enforcing judgments, whether interlocutory or final for punishing contempts for requiring the payment of money into Court or for any other purpose, as may be necessary or as were possessed by the High Court of Delegates before the passing of the Act transferring the powers of such court to Her Majesty in Council or as are for the time being possessed by the High Court in England or by the court appealed from in relation to the like matters as those forming the subject of appeals under this Act.

(4) All Orders of the Queen in Council or the Judicial Committee of the Privy Council for the purposes aforesaid or otherwise in relation to appeals under this Act shall have full effect throughout Her Majesty's dominions and in all places where Her Majesty has jurisdiction.

(5) This section shall be in addition to and not in derogation of the authority of Her Majesty in Council or the Judicial Committee of the Privy Council arising otherwise than under this Act and all enactments relating to appeals to Her Majesty in Council or to the powers of Her Majesty in Council or the Judicial Committee of the Privy Council in relation to those appeals whether for making rules and orders or otherwise shall extend, save as otherwise directed by Her Majesty in Council to appeals to Her Majesty in Council under this Act

Rules of  
Court.

7 (1) Rules of court for regulating the procedure and practice (including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate may be made by the same authority and in the same manner as rules touching the practice

procedure fees, and costs in the said court in the exercise of its ordinary civil jurisdiction respectively are made

Provided that the rules under this section shall not, save as provided by this Act, extend to matters relating to the slave trade, and shall not (save as provided by this section) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Act, and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed

(2) It shall be lawful for Her Majesty in Council, in approving rules made under this section, to declare that the rules so made with respect to any matters which appear to Her Majesty to be matters of detail or of local concern may be revoked, varied, or added to without the approval required by this section

(3) Such rules may provide for the exercise of any jurisdiction conferred by this Act by the full court, or by any judge or judges thereof, and subject to any rules, where the ordinary civil jurisdiction of the court can in any case be exercised by a single judge, any jurisdiction conferred by this Act may in the like case be exercised by a single judge

8. (1) Subject to the provisions of this section nothing in this Act shall alter the application of any droits of Admiralty or droits of or forfeitures to the crown in a British possession, and such droits and forfeitures, when condemned by a court of a British possession in the exercise of the jurisdiction conferred by this Act, shall, save as is otherwise provided by any other Act, be notified, accounted for, and dealt with in such manner as the Treasury from time to time direct, and the officers of every Colonial Court of Admiralty and of every other court in a British possession exercising Admiralty jurisdiction shall obey such directions in respect of the said droits and forfeitures as may be from time to time given by the Treasury

Droits of Admiralty and of the Crown

(2) It shall be lawful for Her Majesty the Queen in Council by Order to direct that, subject to any conditions, exceptions, reservations, and regulations contained in the Order, the said droits and forfeitures condemned by a court in a British possession shall form part of the revenues of that possession either for ever or for such limited term or subject to such revocation as may be specified in the Order

(3) If and so long as any of such droits or forfeitures by virtue of this or any other Act form part of the revenues of the said possession the same shall, subject to the provisions of any law for the time being applicable thereto, be notified, accounted for, and dealt with in manner directed by the Government of the possession, and the Treasury shall not have any power in relation thereto

9. (1) It shall be lawful for Her Majesty, by commission under the Great Seal, to empower the Admiralty to establish in a British possession any Vice-Admiralty Court or Courts.

Power to establish Vice-Admiralty Court.



(2) Upon the establishment of a Vice-Admiralty Court in a British possession, the Admiralty by writing under their hands and the seal of the office of Admiralty in such form as the Admiralty direct, may appoint a judge registrar marshal and other officers of the court and may cancel any such appointment and in addition to any other jurisdiction of such court, may (subject to the limits imposed by this Act or the said commission from Her Majesty) vest in such court the whole or any part of the jurisdiction by or by virtue of this Act conferred upon any Courts of that British possession, and may vary or revoke such vesting, and while such vesting is in force the power of such last-mentioned courts to exercise the jurisdiction so vested shall be suspended

Provided that—

(a) nothing in this section shall authorise a Vice-Admiralty Court so established in India or in any British possession having a representative legislature to exercise any jurisdiction except for some purpose relating to prize to Her Majesty's Navy to the slave trade to the matters dealt with by the Foreign Enlistment Act 1870<sup>1</sup> or the Pacific Islanders Protection Acts, 1872 and 1875 or to matters in which questions arise relating to treaties or conventions with foreign countries or to international law and

(b) in the event of a vacancy in the office of judge registrar marshal or other officer of any Vice-Admiralty Court in a British possession, the Governor of that possession may appoint a fit person to fill the vacancy until an appointment to the office is made by the Admiralty

(3) The provisions of this Act with respect to appeals to Her Majesty in Council from courts in British possessions in the exercise of the jurisdiction conferred by this Act shall apply to appeals from Vice-Admiralty Courts but the rules and orders made in relation to appeals from Vice-Admiralty Courts may differ from the rules made in relation to appeals from the said courts in British possessions.

(4) If Her Majesty at any time by commission under the Great Seal so directs the Admiralty shall by writing under their hands and the Seal of the office of Admiralty abolish a Vice-Admiralty Court established in any British possession under this section and upon such abolition the jurisdiction of any Colonial Court of Admiralty in that possession which was previously suspended shall be revived

10 Nothing in this Act shall affect any power of appointing a vice-admiral in and for any British possession or any place therein and whenever there is not a formally appointed vice-admiral in a British possession or any place therein the Governor of the possession shall be *ex-officio* vice-admiral thereof

Power to  
appoint a  
Vice-  
Admiral

33 & 34  
Vict., c  
35 & 36  
Vict., c  
35 & 36  
Vict., c

11. (1) The provisions of this Act with respect to Colonial Courts of Admiralty shall not apply to the Channel Islands

Exception of Channel Islands and other possessions

(2) It shall be lawful for the Queen in Council by Order to declare, with respect to any British possession which has not a representative legislature, that the jurisdiction conferred by this Act on Colonial Courts of Admiralty shall not be vested in any court of such possession, or shall be vested only to the partial or limited extent specified in the Order

12. It shall be lawful for Her Majesty the Queen in Council by Order to direct that this Act shall, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application

Application of Act to courts under Foreign Jurisdiction Acts

13. (1) It shall be lawful for Her Majesty the Queen in Council by Order to make rules as to the practice and procedure (including fees and costs) to be observed in and the returns to be made from Colonial Courts of Admiralty and Vice-Admiralty Courts in the exercise of their jurisdiction in matters relating to the slave trade, and in and from East African Courts as defined by the Slave Trade (East African Courts) Acts, 1873 and 1879

Rules for procedure in slave trade matters.

36 & 37  
Act, c 59  
2 & 43  
Act, c 38

(2) Except when inconsistent with such Order in Council, the rules of court for the time being in force in a Colonial Court of Admiralty or Vice-Admiralty Court shall, so far as applicable, extend to proceedings in such court in matters relating to the slave trade

(3) The provisions of this Act with respect to appeals to Her Majesty in Council, from courts in British possessions in the exercise of the jurisdiction conferred by this Act, shall apply, with the necessary modifications, to appeals from judgments of any East African Court made or purporting to be made in exercise of the jurisdiction under the Slave Trade (East African Courts) Acts, 1873 and 1879

3 & 37  
Act, c 59  
2 & 43  
Act, c 38

14. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes authorised by this Act, and to revoke and vary such Orders, and every such Order while in operation shall have effect as if it were part of this Act

Orders in Council

15. In the construction of this Act, unless the context otherwise requires,— Interpretation

The expression "representative legislature" means, in relation to a British possession, a legislature comprising a legislative body of which at least one-half are elected by inhabitants of the British possession

The expression "unlimited civil jurisdiction" means civil jurisdiction unlimited as to the value of the subject-matter at issue, or as to the amount that may be claimed or recovered

The expression "judgment" includes a decree, order, and sentence

The expression appeal means any appeal rehearing or review and the expression local appeal means an appeal to any court inferior to Her Majesty in Council

The expression Colonial law means any Act, ordinance or other law having the force of legislative enactment in a British possession and made by any authority other than the Imperial Parliament or Her Majesty in Council competent to make laws for such possession.

Commence-  
ment of Act.

16 (1) This Act shall save as otherwise in this Act provided come into force in every British possession on the first day of July one thousand eight hundred and ninety-one.

Provided that—

(a) This Act shall not come into force in any of the British possessions named in the First Schedule to this Act until Her Majesty so directs by Order in Council and until the day named in that behalf in such Order and

(b) If before any day above mentioned rules of court for the Colonial Court of Admiralty in any British possession have been approved by Her Majesty in Council this Act may be proclaimed in that possession by the Governor thereof and on such proclamation shall come into force on the day named in the proclamation

(2) The day upon which this Act comes into force in any British possession shall as regards that British possession, be deemed to be the commencement of this Act

(3) If on the commencement of this Act in any British possession rules of court have not been approved by Her Majesty in pursuance of this Act, the rules in force at such commencement under the Vice-Admiralty Courts Act 1863 and in India the rules in force at such commencement regulating the respective Vice-Admiralty Courts or Courts of Admiralty in India including any rules made with reference to proceedings instituted on behalf of Her Majesty's ships, shall so far as applicable have effect in the Colonial Court or Courts of Admiralty of such possession, and in any Vice-Admiralty Court established under this Act in that possession as rules of court under this Act and may be revoked and varied accordingly and all fees payable under such rules may be taken in such manner as the Colonial Court may direct so however that the amount of each such fee shall so nearly as practicable be paid to the same officer or person who but for the passing of this Act would have been entitled to receive the same in respect of like business So far as any such rules are inapplicable or do not extend the rules of court for the exercise by a court of its ordinary civil jurisdiction shall have effect as rules for the exercise by the same court of the jurisdiction conferred by this Act.

(4) At any time after the passing of this Act any Colonial law may be passed and any Vice-Admiralty Court may be established and jurisdiction

vested in such Court but any such law, establishment, or vesting shall not come into effect until the commencement of this Act

17. On the commencement of this Act in any British possession, but subject to the provisions of this Act, every Vice-Admiralty Court in that possession shall be abolished, subject as follows —

Abolition of  
Vice-Ad-  
miralty  
Courts

- (1) All judgments of such Vice-Admiralty Court shall be executed and may be appealed from in like manner as if this Act had not passed, and all appeals from any Vice-Admiralty Court pending at the commencement of this Act shall be heard and determined, and the judgment thereon executed as nearly as may be in like manner as if this Act had not passed
- (2) All proceedings pending in the Vice-Admiralty Court in any British possession at the commencement of this Act shall, notwithstanding the repeal of any enactment by this Act, be continued in a Colonial Court of Admiralty of the possession in manner directed by rules of court, and, so far as no such rule extends, in like manner, as nearly as may be, as if they had been originally begun in such court
- (3) Where any person holding an office, whether that of judge, registrar or marshal, or any other office in any such Vice-Admiralty Court in a British possession, suffers any pecuniary loss in consequence of the abolition of such court, the Government of the British possession, on complaint of such person, shall provide that such person shall receive reasonable compensation (by way of an increase of salary or a capital sum, or otherwise) in respect of his loss, subject nevertheless to the performance, if required by the said Government, of the like duties as before such abolition
- (4) All books, papers, documents, office furniture, and other things at the commencement of this Act belonging, or appertaining to any Vice-Admiralty Court, shall be delivered over to the proper officer of the Colonial Court of Admiralty, or be otherwise dealt with in such manner as, subject to any directions from Her Majesty, the Governor may direct
- (5) Where, at the commencement of this Act in a British possession, any person holds a commission to act as advocate in any Vice-Admiralty Court abolished by this Act, either for Her Majesty or for the Admiralty, such commission shall be of the same avail in every court of the same British possession exercising jurisdiction under this Act, as if such court were the court mentioned or referred to in such commission

18. The Acts specified in the Second Schedule to this Act shall to the Repeal extent mentioned in the third column of that schedule, be repealed as respects any British possession as from the commencement of this Act in that posses-

tion, and as respects any courts out of Her Majesty's dominions as from the date of any Order applying this Act

Provided that—

- (a) Any appeal against a judgment made before the commencement of this Act may be brought and any such appeal and any proceedings or appeals pending at the commencement of this Act may be carried on and completed and carried into effect as if such repeal had not been enacted and
- (b) All enactments and rules at the passing of this Act in force touching the practice procedure, fees costs and returns in matters relating to the slave trade, in Vice-Admiralty Courts and in East African Courts shall have effect as rules made in pursuance of this Act, and shall apply to Colonial Courts of Admiralty and may be altered and revoked accordingly

## SCHEDULES

### FIRST SCHEDULE

#### BRITISH POSSESSIONS IN WHICH OPERATION OF ACT IS DELAYED

New South Wales  
Victoria.  
St. Helena.  
British Honduras.

### SECOND SCHEDULE.

#### ENACTMENTS REPEALED

Section 18.

Session and Chapter	Title of Act.	Extent of Repeal.
53 Geo. 3 c. 82	An Act to render valid the judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during vacancies in office of Judges of such courts.	The whole Act.
2 & 3 WILL. 4 c. 51	An Act to regulate the practice and the fees in the Vice-Admiralty Courts abroad, and to obviate doubts as to their jurisdiction.	The whole Act.
7 & 4 WILL. 4. c. 41	An Act for the better administration of justice in His Majesty's Privy Council.	Section two.

SECOND SCHEDULE—*continued*

ENACTMENTS REPEALED—*continued*

Session and Chapter	Title of Act	Extent of Repeal
6 & 7 Vict., c. 38 . . .	An Act to make further regulations for facilitating the hearing appeals and other matters by the Judicial Committee of the Privy Council	<p>In section two, the words "or from any Admiralty or vice-Admiralty Courts," and the words "or the Lords Commissioners of Appeals in prize causes or their surrogates"</p> <p>In section three, the words "and the High Court of Admiralty of England," and the words "and from any Admiralty or Vice-Admiralty Courts"</p> <p>In section five, from the first "the High Court of Admiralty" to the end of the section</p> <p>In section seven, the words "and from Admiralty or Vice-Admiralty Courts"</p> <p>Sections nine and ten, so far as relates to maritime causes</p> <p>In section twelve, the words "or maritime"</p> <p>In section fifteen, the words "and Admiralty and Vice-Admiralty"</p>
7 & 8 Vict., c. 69 . . . <i>Fin.</i>	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled, "An Act for the better administration of justice in His Majesty's Privy Council," and to extend its jurisdiction and powers	In section twelve, the words "and from Admiralty and Vice-Admiralty Courts," and so much of the rest of the section as relates to maritime causes
26 Vict., c. 24 . . .	The Vice-Admiralty Courts Act, 1863	The whole Act
30 & 31 Vict., c. 45 . . .	The Vice-Admiralty Courts Act Amendment Act, 1867.	The whole Act.
36 & 37 Vict., c. 59 . . .	The Slave Trade (East African Courts) Act, 1873	Sections four and five

SECOND SCHEDULE—*concluded*ENACTMENTS REPEALED—*concluded*

Session and Chapter	Title of Act.	Extent of Repeal.
36 & 37 Vict. c. 88	The Slave Trade Act, 1873	Section twenty as far as relates to the taxation of any costs, charges, and expenses which can be taxed in pursuance of this Act. In section twenty three the words under the Vice-Admiralty Courts Act, 1863. <sup>1</sup>
38 & 39 Vict. c. 51	The Pacific Islanders Protection Act, 1875.	So much of section six as authorises Her Majesty to confer Admiralty jurisdiction on any court.

## THE FOREIGN JURISDICTION ACT, 1890

(53 &amp; 54 Vict., c. 37)

*An Act to consolidate the Foreign Jurisdiction Acts*

[4th August 1890]

WHEREAS by treaty capitulation, grant usage, sufferance, and other lawful means Her Majesty the Queen has jurisdiction within divers foreign countries and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions

\* \* \* \* \*

Exercise of jurisdiction in foreign country

1 It is and shall be lawful for Her Majesty the Queen to hold exercise and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the session or conquest of territory

Exercise of jurisdiction over British subject in countries without regular governments.

2 Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act

Validity of acts done in pursuance of jurisdiction.

3 Every Act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country

4. If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country a Secretary of State shall, on the application of the court, send to the court within a reasonable time his decision on the question, and his decision shall for the purposes of the proceeding be final

*Evidence as to existence or extent of jurisdiction in foreign country.*

(2) The court shall send to the Secretary of State, in a document under the seal of the court or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained

5 (1) It shall be lawful for Her Majesty the Queen in Council, if she thinks fit, by Order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction

*Power to extend enactments in First Schedule*

(2) Thereupon these enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession

6 (1) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of the possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court

*Power to send persons charged with offences for trial to a British possession*

Provided that—

(a) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence and whom he alleges himself unable to produce at the trial in the British possession

(b) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall



transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence certified as correct under the seal of the court before which the evidence was taken or the signature of a judge of that court :

- (c) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial to be read and received as legal evidence at the trial
- (d) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence or the punishment thereof if the law differs in those respects from the law in force in that British possession.

(2) Nothing in this section shall alter or repeal any law statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may irrespectively of this Act, be inquired of, tried determined and punished within Her Majesty's dominions, or any part thereof.

Provision as to place of punishment of persons convicted.

7 Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death penal servitude imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place

Validity of acts done under Order in Council.

8 Where by Order in Council made in pursuance of this Act any British court in a foreign country is authorised to order the removal or deportation of any person from that country that removal or deportation and any detention for the purposes thereof, according to the provisions of the Order in Council shall be as lawful as if the order of the court were to have effect wholly within that country

Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act.

9 It shall be lawful for Her Majesty the Queen in Council by Order to assign to or confer on any court in any British possession or held under the authority of Her Majesty any jurisdiction civil or criminal original or appellate which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred and respecting the enforcement and execution of the judgments decrees orders and sentences of any such court, and respecting appeals therefrom.

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act

Power to amend Orders in Council  
Laying before Parliament, and effect of Orders in Council

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

12. (1) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

In what cases Orders in Council void for repugnancy.

(2) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid

13. (1) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted—

Provisions for protection of persons acting under Foreign Jurisdiction Acts

(a) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted, nor

(b) in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance, of injury or damage, within six months next after the ceasing thereof

(2) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor

and client as from the time of such tender of payment, but this provision shall not affect costs on any injunction in the action suit, or proceeding

Jurisdiction  
over ships  
in certain  
Eastern seas.

14 It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

Provision as  
to subjects  
of Indian  
princes.

15 Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

Definitions.

16 In this Act,—

The expression foreign country means any country or place out of Her Majesty's dominions

The expression British court in a foreign country' means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise

The expression jurisdiction" includes power

to  
or  
vary Acts in  
Second  
Schedule  
Repeal.

17 The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council

18 <sup>1</sup>[The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned Provided that]—

(1) Any Order in Council commission or instructions made or issued in pursuance of any enactment repealed by this Act shall if in force at the passing of this Act continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act and shall for the purposes of this Act be deemed to have been made or issued under and in pursuance of this Act and

(2) Any enactment Order in Council or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

Short title.

19 (1) This Act may be cited as the Foreign Jurisdiction Act, 1890

<sup>1</sup>[(2) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule]

## SCHEDULES.

Sections 7,  
10.

## FIRST SCHEDULE

Session and Chapter.	Title	Enactments which may be extended by Order in Council	Short Title
12 & 13 Vict., c. 96	An Act to provide for the prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty	The whole Act	Admiralty Offences (Colonial) Act, 1849
14 & 15 Vict., c. 99	An Act to amend the law of evidence	Sections seven and eleven	Evidence Act, 1851
17 & 18 Vict., c. 104	The Merchant Shipping Act, 1854	Part X	
19 & 20 Vict., c. 113	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals	The whole Act	Foreign Tribunals Evidence Act, 1856
22 Vict., c. 20	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's dominions, in places out of the jurisdiction of such tribunals	The whole Act	Evidence by Commission Act, 1859
22 & 23 Vict., c. 63.	An Act to afford facilities for the more certain Ascertainment of the Law administered in one part of Her Majesty's Dominions, when pleaded in the Courts of another part thereof	The whole Act	British Law Ascertainment Act, 1859
23 & 24 Vict., c. 122	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight	The whole Act	Admiralty Offences (Colonial) Act, 1860

<sup>1</sup> This column with all entries in it was repealed (U K) by 8 Edw 7, c. 49 (S L R)

FIRST SCHEDULE—*contd*

Session and Chapter.	Title	Enactments which may be extended by Order in Council.	Short Title.
24 & 25 Vict., c. 11.	An Act to afford facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	The whole Act.	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	Section eleven.	
37 & 38 Vict. c. 94.	The Conveyancing (Scotland) Act, 1874.	Section fifty-one.	
44 & 45 Vict. c. 69.	The Fugitive Offenders Act, 1881.	The whole Act.	
48 & 49 Vict., c. 74.	The Evidence by Commission Act, 1885.	The whole Act.	

## SECOND SCHEDULE

*Acts which may be revoked or varied by Order in Council*

Session and Chapter.	Title.	Extent of Repeal.
24 & 25 Vict. c. 31	An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone.	The whole Act.
26 & 27 Vict. c. 35	An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa.	The whole Act.

Third Schedule [Enactments repealed—*Rep (U. K.) 5 Edw. 7 c. 43 (S. L. P.)—omitted*]<sup>1</sup> This column with all entries in it was repealed (U. K.) by 5 Edw. 7 c. 43 (S. L. P.).

THE MAIL SHIPS ACT, 1891<sup>1</sup>

(54 &amp; 55 Vict., c. 31)

*An Act to enable Her Majesty in Council to carry into effect Conventions which may be made with Foreign Countries respecting Ships engaged in Postal service*

[21st July, 1891]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1 (1) Where Her Majesty the Queen has made a Convention with a Foreign State respecting the postal service between such Foreign State and the United Kingdom, or respecting the privileges of mail ships, that is to say, ships engaged in any postal service of such Foreign State or of any part of Her Majesty's dominions, it shall be lawful for Her Majesty in Council to order that this Act shall, and this Act shall accordingly, subject to any conditions, exceptions, and qualifications contained in the Order, apply, during the continuance of the Order, as regards such Convention and Foreign State, and the postal service and mail ships described in the Convention, and where by virtue of any such Order this Act or any section thereof applies as regards any Convention, Foreign State, postal service, or mail ship, the same is in this Act referred to as a Convention, Foreign State, postal service, or mail ship to which this Act or section applies

(2) The Order shall recite or embody the terms of the Convention, and may be varied or revoked by Order in Council, but shall not continue in force for any longer period than the Convention

(3) Every Order in Council under this Act shall be laid before both Houses of Parliament forthwith after it is made, or, if Parliament be not then sitting, after the then next meeting of Parliament, and shall also be notified in the London Gazette and published under the authority of Her Majesty's Stationery Office

2 (1) Where this section applies to a Convention with a Foreign State, the master of a British mail ship to which this section applies when carrying mails to or from any port of the Foreign State, and the master of a mail ship of the Foreign State, to which this section applies when carrying mails to or from any port of the United Kingdom, shall not, nor shall any person on board the ship, whether a passenger or belonging to the ship or any other person, convey in the ship for delivery to another person in the Foreign State or United Kingdom, as the case may be, any letter, other than the letters contained in mail bags entrusted to the master by a postal officer of the United Kingdom or of any Foreign State, or than the despatches sent by the Government either of the United Kingdom or of any Foreign State

<sup>1</sup> See 2 Edw 7, c 36

(2) If a person on board such ships acts in contravention of this section or refuses or fails on demand to give up to a postal officer or, if such person is not the master, to the master any letter so conveyed by him, he shall be liable on summary conviction to a fine not exceeding five pounds

(3) It shall be the duty of the master of the ship to secure the observance of this section by all persons on board the ship and to inform the proper authorities at the port at which the ship arrives of any breach of this section by any of those persons, and if he wilfully fails to perform that duty he shall be liable to a fine not exceeding five pounds

(4) Provided that a person shall not be liable under this section to a fine for any offence for which he has been punished by the law of the Foreign State.

(5) Nothing in this section shall apply to any letters which if sent from the United Kingdom would be exempted from the exclusive privilege of the Postmaster-General under the Act of the session of the seventh year of King William the Fourth and the first of Her present Majesty, chapter thirty three intituled An Act for the management of the Post Office

7 Will  
1 Vict.

3 (1) Where the owner of any ships, British or foreign applies to the High Court in England and

Regulation  
as to giving  
of security  
for ships  
engaged in  
postal  
service

(a) produces a certificate of a Secretary of State that such owner is subsidised for the execution of any postal service within the meaning of a Convention with a Foreign State to which this Act applies by reason of receiving from the Foreign State or from the Government of the United Kingdom or of a British possession a *bond fide* subsidy for the postal service mentioned in the certificate and,

(b) produces sufficient evidence of the nature of the said service and the number of and the prescribed particulars respecting the ships engaged therein and

(c) gives notice of the application to the Board of Trade

the High Court after hearing the owner and the Board of Trade if they wish to be heard shall fix the nature and amount of the security which the owner ought to place under the control of the court for the purposes of this Act as respects the ships engaged in that postal service and fix the maximum number and tonnage of the ships to which the security is to apply

1(2) The security shall be the bond of the owner guaranteed at his option either—

(a) by one or more responsible sureties (whether natural or corporate persons) permanently resident within the jurisdiction of the High Court or

(b) by the payment or transfer into court of cash or of securities of the Government of the United Kingdom.]

(3) If the owner gives such security to the satisfaction of the High Court, then so long as the security is maintained and is sufficient to the satisfaction of the Court, and the number and tonnage of the ships for the time being actually engaged in carrying mails for the postal service in respect of which the security is given does not exceed the number and tonnage of the ships to which the security applies, the ships actually engaged in carrying mails for the said service shall be deemed to be exempted mail ships, and be entitled to the exemptions and privileges given by this Act to exempted mail ships, and the Board of Trade shall give the prescribed notices for informing the arresting authorities that the ships actually engaged in carrying the mails for the said postal service are exempted mail ships

(4) Notice of every application respecting any security given in pursuance of this section shall be given to the Board of Trade

(5) If at any time it appears to the Board of Trade that a security given as respects ships engaged in any postal service, is from any cause (whether pending claims, variation of the conditions of the service,<sup>1</sup> [change in the residence or place of business or circumstances of any surety] or otherwise) insufficient, the Board of Trade shall apply to the High Court, and that Court, if satisfied of such insufficiency, shall require the security to be made sufficient to the satisfaction of the Court within a reasonable time, and direct that in default the ships engaged in the postal service shall cease to be exempted mail ships, and that the Board of Trade shall give the prescribed notices for informing the arresting authorities of such cesser

(6) The amount and nature of the security may be varied and the whole security may be withdrawn, and the income of the security may be disposed of, by order of the High Court from time to time on such application either of the shipowners, or of the Board of Trade, or of any person appearing to be interested, and in such manner, and after such notice, and upon such terms and conditions as may be prescribed by rules of court, or, so far as the rules do not extend, as the Court may think just

(7) Provided that before the security is actually withdrawn, the High Court shall be satisfied—

(a) that the prescribed notice of the order for withdrawal has been given to the arresting authorities, and

(b) that there is no pending claim for the purposes of which the security may be required,

and upon the prescribed notice of the order for withdrawal being given to an arresting authority, the ships shall, as respects that authority, cease, after the date specified in the notice, to be exempted ships

(8) Rules of court may be made for carrying this section into effect, and in particular for regulating the nature, amount, and value of the security to be given, and the mode of giving security, and of giving notices to the arresting authorities, and for providing for the evidence of the exemption of ships

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<sup>1</sup> Inserted by 2 Edw 7, c 36, s 1(2)



under this section, and for the information to be given from time to time to the High Court respecting the ships to which the security applies and for the jurisdiction of the High Court under this Act being exercised in chambers.

Arrest and  
execution of  
process on  
board  
exempted  
mail ships.

4 (1) Where this section applies to a Convention with a Foreign State, and an exempted mail ship to which this section applies is in a port in the United Kingdom no person shall be arrested without warrant on board such ship and before any process, civil or criminal authorising the arrest of any person who is on board such ship is executed against that person the following provisions of this section shall be observed that is to say —

- (a) written notice of the intention to arrest a person who is, or is suspected to be on board the ship stating the hour at which, if necessary the ship will be searched, shall if it is a ship of a Foreign State and there is at the port a consulate of that state be left at the consulate, addressed to the consular officer
- (b) it shall be the duty of the master upon demand, if the said person is on board his ship to enable the proper officer to arrest him
- (c) if the officer is unable to arrest the said person he may but if it is a foreign ship only after the expiration of such time after notice was left at the consulate as is specified in the Convention search the ship for such person and if he is found may arrest him

(2) The ship may be delayed for the purposes of this section for the time specified in the Convention but not for any longer time

(3) If the master of a ship refuses to permit a search of the ship in accordance with this section any officer of customs may detain the ship and such master shall be liable to a fine of five hundred pounds.

(4) This section shall apply to the arrest of the master in like manner as in the case of any other person

Exemption  
from seizure  
of exempted  
mail ships.

5 (1) An exempted mail ship to which this section applies shall not subject as in this Act mentioned be liable to be arrested or detained by any arresting authority either for the purpose of founding jurisdiction in any Court of Admiralty or of enforcing the payment of any damages fine debt or other claim or sum or enforcing any forfeiture whether arising from the misconduct of the master or any of the crew or otherwise but every court of the United Kingdom by the process of which the ship could have been under the circumstances arrested or detained shall have the same jurisdiction as if the ship had been so arrested or detained and any legal proceeding in relation to any such matter as aforesaid may be commenced by such service in the United Kingdom of any writ or process as may be prescribed by rules of court and the High Court, on application shall, in accordance with rules of court cause the security to be applied in discharge of any such damages fine debt claim sum or forfeiture

(2) Provided that nothing in this section shall render invalid the arrest or detention of a ship before the prescribed notice has been given to the arresting authority but such authority on proof that the ship is an exempted mail

ship, shall release the ship. Where the Commissioners of Customs, in pursuance of any Act or as a condition of waiving any forfeiture, require a deposit to be made by any exempted mail ship to which this section applies, the amount of such deposit shall, on notice from the Commissioners of Customs, and without any further proceeding be set apart out of the security as money belonging to the said Commissioners, and shall be paid and applied as they direct, and any rules of court relating to such notice, payment, or application shall be made with the consent of the Treasury.

6 (1) Where the Convention with a Foreign State provides that any provisions of the convention similar to those contained in this Act shall in any case apply to a public ship of a Foreign State when employed as a mail ship, it shall be lawful for Her Majesty the Queen to agree that the like provision shall apply to a public ship of Her Majesty in the like cases when employed as a mail ship and to give effect to such agreement.

Application  
of Act to  
public ships

(2) An Order in Council applying this Act as regards a Convention with a Foreign State may, if it seems to Her Majesty in Council to be consistent with the Convention so to do, apply this Act as regards a public ship of that Foreign State when employed as a mail ship in the cases authorised by the Convention, and this Act shall apply accordingly, as if such ship were an exempted mail ship belonging to a private owner, and any person may be arrested on board such ship accordingly.

7 (1) Every fine under this Act, if exceeding fifty pounds, may be recovered by action in the High Court in England or Ireland or in the Court of Session in Scotland, and the court in which it is recovered may reduce the amount of such fine, and a fine under this Act not exceeding fifty pounds may be recovered on summary conviction, provided that every offence for which a fine exceeding fifty pounds can be imposed under this Act may be prosecuted on summary conviction, but the fine imposed on such conviction shall not exceed fifty pounds.

Legal  
proceedings.

(2) In the case of a summary conviction, any person who thinks himself aggrieved by such conviction may appeal to quarter sessions. In Scotland such person may appeal in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875.

39  
c. 62

(3) Service of any summons or other matter in any legal proceeding under this Act shall be good service if made by leaving the summons for the person to be served on board the ship to which he belongs with the person being or appearing to be master of the ship.

(4) If a fine under this Act imposed on the master of a ship is not paid, and cannot be recovered out of any security given in pursuance of this Act, the Court may, in addition to any other power for enforcing payment of the fine, direct the amount to be levied by distress or poinding and sale of the ship, her tackle, furniture, or apparel. An officer of customs in detaining a ship or releasing a ship after detention in pursuance of this Act shall act upon such requisition or authority and under such regulations as the Commissioners of Customs may make with the consent of the Treasury.

Application  
of Act to  
British Pos-  
sessions.

8 (1) An Order in Council may for the purpose of a Convention with a Foreign State apply this Act, subject to any exceptions or modifications not inconsistent with the provisions of this Act, to any British possession, and this Act when so applied shall, subject to those exceptions and modifications and subject as hereinafter mentioned have effect as if it were re-enacted with the substitution of such British possession for the United Kingdom

Provided that before it is applied to any British possession named in the schedule to this Act the Government of such possession shall have adhered to the Convention.

(2) Where this Act applies to a British possession, it shall not be necessary for the owner of any mail ship to give security in any court in that possession, and the provisions of this Act with respect to the jurisdiction of any court of the United Kingdom other than any jurisdiction relating to the application of the security shall apply as if a court in the British possession were substituted for a court of the United Kingdom

(3) It shall be lawful for Her Majesty in Council to make rules for carrying into effect, as respects British possessions the provisions of this Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the possession and to the notices to be given to arresting authorities in the possession and the evidence to be receivable by such authorities of the security having been given or withdrawn, and the application of the security in discharge of any damages, fine, debt, claim sum or forfeiture where the same are or is recovered or payable either in the British possession or under proceedings pending concurrently in that possession and in any other British possession or the United Kingdom

(4) If by any law made either before or after the passing of this Act by the Legislature of any British possession<sup>1</sup> provision is made for carrying into effect within such possession any convention to which this Act applies Her Majesty in Council may suspend the operation within such possession of this Act or of any part thereof so far as it relates to such convention and so long as such law continues in force there or direct that such law or any part thereof shall have effect in such British possession with or without modifications and alterations as if it were part of this Act

Definitions.

9 In this Act—

The expression 'mail bag' means a mail of letters or a box or parcel or any other envelope in which post letters within the meaning of the Acts relating to the Post Office are conveyed

The expression 'subsidy' includes a payment for the performance of a contract

The expression 'master of a ship' includes any person in charge of a ship whether commander mate or any other person

<sup>1</sup> See the Indian Post Office Act, 1874 (37 of 1874), s. 10, General Acts, V L. 3

The expression "ship of a Foreign State" means a ship entitled to sail under the flag of a Foreign State,

The expression "arresting authority" means any court, authority, or officer having power to arrest or detain a ship or to arrest a person on board a ship, or to order such arrest or detention, or to order the execution of any process, civil or criminal, for the arrest of a person on board any ship;

The expression "postal officer" means any person employed in the business of the Post Office of the United Kingdom or a British possession or Foreign State, as the case may be, whether employed by the Postmaster General, or the chief of the Post Office, of the British possession, or the chief of the Post Office of the Foreign State, or by any person under him, or on behalf of any such Post Office

10. This Act may be cited as the Mail Ships Act, 1891.

Short title

## SCHEDULE.

### BRITISH POSSESSIONS TO WHICH ACT IS APPLICABLE ONLY UPON THE GOVERNMENT ADHERING TO CONVENTION

British India.	Western Australia.
Dominion of Canada.	Queensland
Newfoundland	Tasmania.
New South Wales.	New Zealand.
Victoria	Cape of Good Hope
South Australia.	Natal

### THE COMMISSIONERS FOR OATHS ACT, 1891

(54 & 55 Vict., c 50)

*An Act to amend the Commissioners for Oaths Act, 1889*

[5th August, 1891]

[*Preamble. Rep (U K) 8 Edw 7, c 49 (S L R)*]

1. Where by or under the Merchant Shipping Acts, 1854 to 1889, or the Customs Consolidation Act, 1876, or the Patents, Designs, and Trade Marks Acts, 1883 to 1888, or the Pawnbrokers Act, 1872, or Acts amending the same respectively, any oath or affidavit is required to be taken or made before any particular person or officer, whether having special authority or otherwise, and whether at any particular place, or within any specified limits, or otherwise, such oath or affidavit may be taken or made before a commissioner for oaths, Affidavit, etc may be made before Commissioner at any place

at any place and shall be as effectual to all intents and purposes as if taken or made before such person or officer, and at any particular place or within specified limits.

2 In section six of the Commissioners for Oaths Act 1889 after the words "consular agent" shall be inserted the words "acting consul general, acting vice-consul and acting consular agent"

3 This Act shall be read with the Commissioners for Oaths Act 1889 and may be cited as the Commissioners for Oaths Act 1891 and the Commissioners for Oaths Act 1889<sup>1</sup> and this Act may be cited together as the Commissioners for Oaths Acts 1889 and 1891

THE COINAGE ACT 1891

(54 & 55 Vict., c. 72)

*An Act to amend the Coinage Act 1870<sup>2</sup>*

[5th August 1891]

\* \* \* \* \*

vision as  
to exchange  
of light gold  
coins.

1 (1) It shall be lawful for Her Majesty, by Order in Council, to direct that gold coins of the realm which have not been called in by proclamation and are below the least current weight as provided by the Coinage Act 1870<sup>2</sup> shall, if they have not been illegally dealt with and subject to such conditions as to time manner and order of presentation, as may be mentioned in the Order be exchanged or paid for by or on behalf of the Mint at their nominal value<sup>3</sup> 10

(2) For the purposes of this Act a gold coin shall be deemed to have been illegally dealt with where the coin has been impaired diminished, or lightened otherwise than by fair wear and tear or has been defaced by having any name word, device or number stamped thereon whether the coin has or has not been thereby diminished or lightened

(3) In a sovereign or half sovereign loss of weight exceeding three grains from the standard weight shall for the purposes of this Act be *prima facie* evidence that the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear

<sup>3</sup>(4) Towards meeting the expenses to be incurred in pursuance of this section the sum of four hundred thousand pounds shall be charged on and issued from the Consolidated Fund in the year ending the thirty first day of March one thousand eight hundred and ninety two, and so far as not immediately required may be invested in such manner as the Treasury direct, and any interest thereon shall be applied for the purposes of this section.

2. The remedy allowances for gold, silver, and bronze coins shall be such as are specified in the schedule to this Act and in all copies of the Coinage Act 1870<sup>1</sup> printed after the passing of this Act the First Schedule to that Act shall be printed so as to give effect to the amendments made by this section

3. (1) This Act may be cited as the Coinage Act 1891

Remedy allowances for coin  
Short titles and construction

(2) This Act and the Coinage Act, 1870,<sup>1</sup> may be cited together as the Coinage Acts 1870 and 1891

(3) Expressions used in this Act have the same meaning as in the Coinage Act 1870<sup>1</sup>

### SCHEDULE.

PUNDS ALLOWANCE				
Description of coin	Standard Fineness	WEIGHT FINESSE		Millesimal Fineness
		Imperial Grams	Metric Grams	
GOLD				
One pound . . .	Eleven Twelfths fine gold, one twelfth alloy; or millesimal fineness 916.6	1.00	0.06479	2
Two pound . . .		0.10	0.02592	
Sovereign . . .		0.20	0.01296	
Half sovereign		0.15	0.00972	
SILVER				
Crown . . .	Thirty-seven fortieths fine silver, three fortieths alloy, or millesimal fineness 925	2.000	0.1296	4
Double florin . . .		1.078	0.1087	
Half Crown . . .		1.264	0.0788	
Florin . . .		0.997	0.0646	
Shilling . . .		0.578	0.0375	
Six pence . . .		0.346	0.0224	
Groat or Four pence . . .		0.262	0.0170	
Three pence . . .		0.212	0.0138	
Two pence . . .		0.144	0.0093	
Penny . . .		0.087	0.0056	
BRONZE				
Penny . . .	Mixed metal, copper, tin and zinc	2.91666	0.18899	None
Halfpenny . . .		1.75000	0.11339	
Farthing . . .		0.87500	0.05669	

### THE COLONIAL PROBATES ACT, 1892

(55 & 56 Vict., c. 6.)

*An Act to provide for the Recognition in the United Kingdom of Probates and Letters of Administration granted in British Possessions*

[20th May, 1892]

1 Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in

Application of Act by Order in Council

that possession of probates and letters of administration granted by the courts of the United Kingdom direct by Order in Council that this Act shall subject to any exceptions and modifications specified in the Order apply to that possession and thereupon while the Order is in force, this Act shall apply accordingly

Sealing in  
United  
Kingdom of  
colonial pro-  
bates and  
letters of  
administra-  
tion.

2 (1) Where a Court of Probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person the probate or letters so granted may on being produced to and a copy thereof deposited with a court of probate in the United Kingdom be sealed with the seal of that court, and thereupon shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court.

(2) *Provided that the court shall before sealing a probate or letters of administration on under this section be satisfied—*

- (a) that probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom, and
- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate

and may require such evidence if any as it thinks fit as to the domicile of the deceased person.

(3) The court may also if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom

(4) For the purposes of this section a duplicate of any probate or letters of administration sealed with the seal of the court granting the same or a copy thereof certified as correct by or under the authority of the court granting the same shall have the same effect as the original

(5) Rules of court may be made for regulating the procedure and practice including fees and costs, in courts of the United Kingdom on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall so far as they relate to probate duty, be made with the consent of the Treasury and, subject to any exceptions and modifications made by such rules the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration

Application  
of Act to  
British  
courts in  
foreign  
countries.

3 This Act shall extend to authorise the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country in like manner as it authorises the sealing of a probate or letters of administration granted in a British possession to which this Act applies and the provisions of this Act shall apply accordingly with the necessary modifications

4. (1) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office. Orders in Council.

(2) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act

(3) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly

5 This Act when applied by an Order in Council to a British possession shall subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either before or after the passing of this Act Application of Act to probates, etc., already granted.

6 In this Act—

Definitions.

The expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh

The expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively :

The expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted

The expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise

7. This Act may be cited as the Colonial Probates Act, 1892

Short title.

# THE INDIAN COUNCILS ACT, 1892 <sup>1</sup>

(55 & 56 Vict., c. 14)

*An Act to amend the Indian Councils Act, 1861*

[20th June, 1892]

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1 [Provisions for increase of number of members of Indian Councils for making laws and regulations Rep 9 Edw. 7, c 4, s 8 (3)]

<sup>1</sup> The Indian Councils Act, 1909 (9 Edw 7, c 4) is to be construed with the Indian Councils Acts, 1861 and 1892, collective short title "The Indian Councils Acts, 1861 to 1909" See 9 Edw. 7, c 4, s 1 and s 8 (1) *infra*.



2 [Modification of provisions of 24 & 25 Vict., c. 67 as to business at legislative meetings Rep 9 Edu 7 c 4 s 8 (3)]

3 It is hereby declared that in the twenty-second section of the Indian Councils Act, 1861<sup>1</sup> it was and is intended that the words Indian territories now under the dominion of Her Majesty ' should be read and construed as if the words or hereafter " were and had at the time of the passing of the said Act been inserted next after the word now and further that the Acts third and fourth William the Fourth chapter eighty five and sixteenth and seventeenth Victoria chapter ninety five respectively shall be read and construed as if at the date of the enactment thereof respectively it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively by the East India Company and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the government of the said company

Meaning of  
24 & 25 Vict.  
c. 67 s. 22  
3 & 4 Will.  
4, c. 85, and  
16 & 17 Vict.,  
c. 95

Repeal.  
Power to fill  
up vacancy  
in number of  
additional  
members.

Powers of  
Indian  
provincial  
legislatures.

Definitions.

4 \* \* \* \* \*

(1) If any additional member of council or any member of the council of a lieutenant-governor<sup>3</sup> \* \* \* shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months it shall be lawful for the Governor General the governor or the lieutenant-governor to whose council such additional member may have been nominated (as the case may be) to declare by a notification published in the Government Gazette that the seat in council of such person has become vacant

4 \* \* \* \* \*

5 The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861 and with the previous sanction of the Governor General but not otherwise repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature Provided that an act or a provision of an act made by a local legislature and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act 1861<sup>1</sup> shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under this section

6 In this Act—

The expression ' local legislature ' means—

(1) The Governor in Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay and

<sup>1</sup> 24 & 25 Vict., c. 67 printed Vol. I.

<sup>2</sup> Words repealing ss. 13 and 22 of 24 & 25 Vict., c. 67 and the words and it is enacted that " were repealed (L. R.) by 8 Edu. " c. 49 (S. L. R.).

<sup>3</sup> The words appointed under the said Act or this Act were repealed by 8 Edu. " c. 4

s. 8 (2).

<sup>4</sup> Paragraph (\*) was repealed by 8 Edu. " c. 4, s. 8 (2).

- (2) The council for the purpose of making laws and regulations of the lieutenant-governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable

The expression "province" means any presidency, division, province, or territory over which the powers of any local legislature for the time being extend

7 Nothing in this Act shall detract from or diminish the powers of the Governor General in Council at meetings for the purpose of making laws and regulations

Saving of powers of Governor General in Council

8 This Act may be cited as the Indian Councils Act, 1892, and the Indian Councils Act 1861 and this Act may be cited together as the Indian Councils Acts, 1861 and 1892

Short title.

## THE FOREIGN MARRIAGE ACT, 1892.

(55 & 56 Vict., c. 23.)

*An Act to consolidate Enactments relating to the Marriage of British Subjects outside the United Kingdom*

[27th June, 1892]

1 All marriages between parties of whom one at least is a British subject solemnized in the manner in this Act provided in any foreign country or place by or before a marriage officer within the meaning of this Act shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law

Validity of marriages solemnized abroad in manner provided by Act

2 In every case of a marriage intended to be solemnized under this Act, one of the parties intending marriage shall sign a notice stating the name, surname, profession, condition, and residence of each of the parties, and whether each of the parties is or is not a minor, and give the notice to the marriage officer within whose district both of the parties have had their residence not less than one week then next preceding, and the notice shall state that they have so resided

Notice to marriage officer of intended marriage

3 (1) The marriage officer shall file every such notice and keep it with the archives of his office, and shall also, on payment of the proper fee, forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office, a true copy of every such notice, and shall keep the same so posted up during fourteen consecutive days before the marriage is solemnized under the notice

Filing in registry and posting up of notice

(2) The said book and copy posted up shall be open at all reasonable times, without fee, to the inspection of any person.

Requirement of like consent to marriage as in England, and power to forbid marriage.

4 (1) The like consent shall be required to a marriage under this Act as is required by law to marriages solemnized in England.

(2) Every person whose consent to a marriage is so required may, at any time before the solemnization thereof under this Act forbid it by writing the word 'forbidden' opposite to the entry of the intended marriage in the book of notices and by subscribing thereto his name and residence, and the character by reason of which he is authorised to forbid the marriage, and if a marriage is so forbidden the notice shall be void and the intended marriage shall not be solemnized under that notice.

Caveat against marriages may be lodged with marriage officer

5 (1) Any person may on payment of the proper fee enter with the marriage officer a caveat signed by him or on his behalf and stating his residence and the ground of his objection against the solemnization of the marriage of any person named therein, and thereupon the marriage of that person shall not be solemnized until either the marriage officer has examined into the matter of the caveat and is satisfied that it ought not to obstruct the solemnization of the marriage, or the caveat is withdrawn by the person entering it.

(2) In a case of doubt the marriage officer may transmit a copy of the caveat, with such statement respecting it as he thinks fit to a Secretary of State who shall refer the same to the Registrar-General and the Registrar-General shall give his decision thereon in writing to the Secretary of State who shall communicate it to the marriage officer.

(3) If the marriage officer refuses to solemnize or to allow to be solemnized in his presence the marriage of any person requiring it to be solemnized that person may appeal to a Secretary of State who shall give the marriage officer his decision thereon.

(4) The marriage officer shall forthwith inform the parties of and shall conform to any decision given by the Registrar-General or Secretary of State.

6 Where a marriage is not solemnized within three months next after the latest of the following dates—

(a) the date on which the notice for it has been given to and entered by the marriage officer under this Act or

(b) if on a caveat being entered a statement has been transmitted to a Secretary of State or if an appeal has been made to a Secretary of State then the date of the receipt from the Secretary of State of a decision directing the marriage to be solemnized

the notice shall be void and the intended marriage shall not be solemnized under that notice.

Oath before marriage

7 Before a marriage is solemnized under this Act each of the parties intending marriage shall appear before the marriage officer and make and subscribe in a book kept by the officer for the purpose an oath—

(a) that he or she believes that there is not any impediment to the marriage by reason of kindred or alliance or other law and

(b) that both of the parties have for three weeks immediately preceding had their usual residence within the district of the marriage officer, and

(c) where either of the parties not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or as the case may be, that there is no person having authority to give such consent

8 (1) After the expiration of fourteen days after the notice of an intended marriage has been entered under this Act, then, if no lawful impediment to the marriage is shown to the satisfaction of the marriage officer, and the marriage has not been forbidden in manner provided by this Act, the marriage may be solemnized under this Act

Solemnization of marriage at office in presence of marriage officer and two witnesses

(2) Every such marriage shall be solemnized at the official house of the marriage officer, with open doors, between the hours of eight in the forenoon and three in the afternoon, in the presence of two or more witnesses, and may be solemnized by another person in the presence of the marriage officer, according to the rites of the Church of England, or such other form and ceremony as the parties thereto see fit to adopt, or may, where the parties so desire, be solemnized by the marriage officer

(3) Where such marriage is not solemnized according to the rites of the Church of England, then in some part of the ceremony, and in the presence of the marriage officer and witnesses, each of the parties shall declare,

“ I solemnly declare that I know not of any lawful impediment why I *A B* [or *C D*] may not be joined in matrimony to *C. D* [or *A B*] ”

And each of the parties shall say to the other,

“ I call upon these persons here present to witness that I *A B* [or *C D*] take the *C. D* [or *A B*] to be my lawful wedded wife [or husband] ”

9 (1) The marriage officer shall be entitled, for every marriage solemnized under this Act by him or in his presence, to have from the parties married the proper fee

Marriage fees to marriage officer and registration of marriages.

(2) He shall forthwith register in duplicate every such marriage in two marriage register books, which shall be furnished to him from time to time for that purpose by the Registrar-General (through a Secretary of State), according to the form provided by law for the registration of marriages in England, or as near to that form as the difference of the circumstances admits

(3) The entry in each book of every such marriage shall be signed by the marriage officer, by the person solemnizing the marriage, if other than the marriage officer, by both the parties married, and by two witnesses of the marriage

(4) All such entries shall be made in regular order from the beginning to the end of each book, and the number of the entry in each duplicate shall be the same.

(5) The marriage officer by whom or in whose presence a marriage is solemnized under this Act may ask of the parties to be married the several particulars required to be registered touching the marriage

Annual for  
warding of  
copies of  
registered  
book to  
Secretary of  
State.

10 (1) In January in every year every marriage officer shall make and send to a Secretary of State to be transmitted by him to the Registrar General, a copy, certified by him to be a true copy of all the entries of marriages during the preceding year in the register book kept by him and if there has been no such entry a certificate of that fact and every such copy shall be certified and certificate given, under his hand and official seal.

(2) The marriage officer shall keep the duplicate marriage register books safely until they are filled and then send one of them to a Secretary of State to be transmitted by him to the Registrar General

11 (1) For the purposes of this Act the following officers shall be marriage officers, that is to say —

Marriage  
officers and  
their dis-  
tricts.

(a) Any officer authorised in that behalf by a Secretary of State by authority in writing under his hand (in this Act referred to as a marriage warrant) and

(b) Any officer who under the marriage regulations hereinafter mentioned is authorized to act as marriage officer without any marriage warrant.

and the district of a marriage officer shall be the area within which the duties of his office are exercisable or any such less area as is assigned by the marriage warrant or any other warrant of a Secretary of State or is fixed by the marriage regulations

(2) Any marriage warrant of a Secretary of State may authorize to be a marriage officer—

(a) A British ambassador residing in a foreign country to the government of which he is accredited and also any officer prescribed as an officer for solemnizing marriages in the official house of such ambassador

(b) the holder of the office of British consul in any foreign country or place specified in the warrant and

(c) a governor high commissioner resident consular or other officer or any person appointed in pursuance of the marriage regulations to act in the place of a high commissioner or resident and this Act shall apply with the prescribed modifications to a marriage by or before a governor high commissioner resident or officer so authorised by the warrant and in such application shall not be limited to places outside Her Majesty's dominions

(3) If a marriage warrant refers to the office without designating the name of any particular person holding the office then while the warrant is in force the person for the time being holding or acting in such office shall be a marriage officer

(4) A Secretary of State may, by warrant under his hand, vary or revoke any marriage warrant previously issued under this Act

(5) Where a marriage officer has no seal of his office, any reference in this Act to the official seal shall be construed to refer to any seal ordinarily used by him, if authenticated by his signature with his official name and description

12 A marriage under this Act may be solemnized on board one of Her Majesty's ships on a foreign station, and with respect to such marriage—

Marriages on board Her Majesty's ships on foreign stations

(a) subject to the marriage regulations a marriage warrant of a Secretary of State may authorise the commanding officer of the ship to be a marriage officer,

(b) the provisions of this Act shall apply with the prescribed modifications

13 (1) After a marriage has been solemnized under this Act, it shall not be necessary, in support of the marriage, to give any proof of the residence for the time required by or in pursuance of this Act of either of the parties previous to the marriage, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any legal proceeding touching the validity of the marriage

Avoidance of objections to marriages on account of want of formalities or authority of officer

(2) Where a marriage purports to have been solemnized and registered under this Act in the official house of a British ambassador or consul, or on board one of Her Majesty's ships, it shall not be necessary, in support of the marriage, to give any proof of the authority of the marriage officer by or before whom the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorised marriage officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceeding touching the validity of the marriage

14 If a marriage is solemnized under this Act, by means of any wilfully false notice signed, or oath made by either party to the marriage, as to any matter for which a notice, or oath, is by this Act required the Attorney General may sue for the forfeiture of all estate and interest in any property in England accruing to the offending party by the marriage and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized in England according to the rites of the Church of England

Forfeiture of property in case of fraudulent marriage

15 If a person—

(a) knowingly and wilfully makes a false oath or signs a false notice, under this Act, for the purpose of procuring a marriage, or

Punishment of false oath or notice

(b) forbids a marriage under this Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

(5) The marriage officer by whom or in whose presence a marriage is solemnized under this Act may ask of the parties to be married the several particulars required to be registered touching the marriage.

10 (1) In January in every year every marriage officer shall make and send to a Secretary of State to be transmitted by him to the Registrar General a copy certified by him to be a true copy of all the entries of marriages during the preceding year in the register book kept by him and if there has been no such entry, a certificate of that fact and every such copy shall be certified, and certificate given, under his hand and official seal.

(2) The marriage officer shall keep the duplicate marriage register books safely until they are filled, and then send one of them to a Secretary of State to be transmitted by him to the Registrar General.

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- (b) Any officer who under the marriage regulations hereinafter mentioned is authorized to act as marriage officer without any marriage warrant.

and the district of a marriage officer shall be the area within which the duties of his office are exercisable or any such less area as is assigned by the marriage warrant or any other warrant of a Secretary of State or is fixed by the marriage regulations

(2) Any marriage warrant of a Secretary of State may authorize to be a marriage officer—

- (a) A British ambassador residing in a foreign country to the government of which he is accredited and also any officer prescribed as an officer for solemnizing marriages in the official house of such ambassador
- (b) the holder of the office of British consul in any foreign country or place specified in the warrant and
- (c) a governor high commissioner resident consular or other officer or any person appointed in pursuance of the marriage regulations to act in the place of a high commissioner or resident and this Act shall apply with the prescribed modifications to a marriage by or before a governor high commissioner resident or officer so authorized by the warrant and in such application shall not be limited to places outside Her Majesty's dominions.

(3) If a marriage warrant refers to the office without designating the name of any particular person holding the office then while the warrant is in force the person for the time being holding or acting in such office shall be a marriage officer

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Avoidance of objections to marriages on account of want of formalities or authority of officer

(2) Where a marriage purports to have been solemnized and registered under this Act in the official house of a British ambassador or consul, or on board one of Her Majesty's ships, it shall not be necessary, in support of the marriage, to give any proof of the authority of the marriage officer by or before whom the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorised marriage officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceeding touching the validity of the marriage

14 If a marriage is solemnized under this Act, by means of any wilfully false notice signed, or oath made by either party to the marriage, as to any matter for which a notice, or oath, is by this Act required, the Attorney General may sue for the forfeiture of all estate and interest in any property in England accruing to the offending party by the marriage and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized in England according to the rites of the Church of England

Forfeiture of property in case of fraudulent marriage

15 If a person—

Punishment of false oath or notice.

(a) knowingly and wilfully makes a false oath or signs a false notice, under this Act, for the purpose of procuring a marriage, or

(b) forbids a marriage under this Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,



such person shall suffer the penalties of perjury and may be tried in any county in England and dealt with in the same manner in all respects as if the offence had been committed in that county

Evidence.

16 (1) Any book, notice, or document directed by this Act to be kept by the marriage officer or in the archives of his office shall be of such a public nature as to be admissible in evidence on its mere production from the custody of the officer

(2) A certificate of a Secretary of State as to any house office chapel, or other place being, or being part of the official house of a British ambassador or consul shall be conclusive.

Application of Registration Acts to this Act.

17 All the provisions and penalties of the Marriage Registration Acts relating to any registrar or register of marriages or certified copies thereof, shall extend to every marriage officer and to the registers of marriages under this Act, and to the certified copies thereof (so far as the same are applicable thereto) as if herein re-enacted and in terms made applicable to this Act and as if every marriage officer were a registrar under the said Acts.

Registration of marriages solemnized under local law

18 Subject to the marriage regulations a British consul or person authorized to act as British consul, on being satisfied by personal attendance that a marriage between parties, of whom one at least is a British subject has been duly solemnized in a foreign country in accordance with the local law of the country and on payment of the proper fee, may register the marriage in accordance with the marriage regulations as having been so solemnized and thereupon this Act shall apply as if the marriage had been registered in pursuance of this Act, except that nothing in this Act shall affect the validity of the marriage so solemnized.

Power to refuse solemnization of marriage where marriage inconsistent with international law

19 A marriage officer shall not be required to solemnize a marriage or to allow a marriage to be solemnized in his presence if in his opinion the solemnization thereof would be inconsistent with international law or the comity of nations

Provided that any person requiring his marriage to be solemnized shall if the officer refuses to solemnize it or allow it to be solemnized in his presence have the right of appeal to the Secretary of State given by this Act

Fees.

20 The proper fee under this Act shall be such fee as may for the time being be fixed under the Consular Salaries and Fees Act 1891 and the fee so fixed as respects a consul shall be the fee which may be taken by any marriage officer and the provisions relating to the levying application and remission of and accounting for fees under that Act shall apply to the same when taken by any marriage officer who is not a consul

Power to make marriage regulations.

21 (1) Her Majesty the Queen in Council may make regulations (in this Act referred to as the marriage regulations)—

(a) Prohibiting or restricting the exercise by marriage officers of their powers under this Act in cases where the exercise of those powers appears to Her Majesty to be inconsistent with international law or the comity of nations or in places where sufficient facilities appear to Her Majesty to exist without the exercise of those

powers, for the solemnization of marriages to which a British subject is a party and

- (b) Determining what offices, chapels, or other places are, for the purposes of marriages under this Act, to be deemed to be part of the official house or the office of a marriage officer, and
- (c) Modifying in special cases or classes of cases the requirements of this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against clandestine marriages, and
- (d) Prescribing the forms to be used under this Act, and
- (e) Adapting this Act to marriages on board one of Her Majesty's ships; and to marriages by or before a governor, high commissioner, resident, or other officer, and authorising the appointment of a person to act under this Act in the place of a high commissioner or resident, and
- (f) Determining who is to be the marriage officer for the purpose of a marriage in the official house of a British ambassador, or on board one of Her Majesty's ships, whether such officer is described in the regulations or named in pursuance thereof, and authorising such officer to act without any marriage warrant, and
- (g) Determining the conditions under which and the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered under this Act, and
- (h) Making such provisions as seem necessary or proper for carrying into effect this Act or any marriage regulations, and
- (i) Varying or revoking any marriage regulations previously made

(2) All regulations purporting to be made in pursuance of this section may be made either generally or with reference to any particular case or class of cases, and shall be published under the authority of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and deemed to be within the powers of this Act, and shall while in force have effect as if enacted by this Act.

(3) Any marriage regulations which dispense, for any reason, whether residence out of the district or otherwise, with the requirements of this Act, as to residence and notice, may require as a condition or consequence of the dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees as may be prescribed by the regulations, and the provisions of this Act, including those enacting punishments with reference to any false notice or oath, shall apply as if the said notice, certificate, or document were a notice, and such oath were an oath within the meaning of those provisions

22 It is hereby declared that all marriages solemnized within the British Validity of  
lines by any chaplain or officer or other person officiating under the orders of marriages solemnized

*within British lines.* the commanding officer of a British army serving abroad, shall be as valid in law as if the same had been solemnized within the United Kingdom with a due observance of all forms required by law

*Saving.* 23 Nothing in this Act shall confirm or impair or in anywise affect the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family

*Definitions.* 24 In this Act unless the context otherwise requires,—

The expression "Registrar-General" means the Registrar General of Births Deaths and Marriages in England

The expression "Attorney General" means Her Majesty's Attorney General or if there is no such Attorney General or the Attorney General is unable or incompetent to act Her Majesty's Solicitor General for England.

The expression "the Marriage Registration Acts" means the Act of the session of the sixth and seventh years of the reign of King William the Fourth chapter eighty-six, intituled "An Act for registering births, deaths and marriages in England" and the enactments amending the same

The expression "official house of a marriage officer" means subject to the provisions of any marriage regulations, the office at which the business of such officer is transacted and the official house of residence of such officer and in the case of any officer who is an officer for solemnizing marriages in the official house of an ambassador means the official house of the ambassador

The expression "consul" means a consul-general, consul vice-consul pro-consul or consular agent

The expression "ambassador" includes a minister and a chargé d'affaires

The expression "prescribed" means prescribed by marriage regulations under this Act

*Commencement of Act.* 25 This Act shall come into operation on the first day of January next after the passing thereof.

*Repeal and savings.* 26 (1) The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that Schedule mentioned

Provided that—

(a) any order in Council in force under any Act so repealed shall continue in force as if made in pursuance of this Act and

(b) any proceedings taken with reference to a marriage any register book kept and any warrant issued in pursuance of the Acts hereby repealed shall have effect as if taken kept and issued in pursuance of this Act and

(c) The fees which can be taken in pursuance of the Acts hereby repealed may continue to be taken in like manner as if fixed in pursuance of the Consular Salaries and Fees Act 1881 and may be altered accordingly and

(d) The forms prescribed by or in pursuance of the Acts hereby repealed may continue to be used as is prescribed by an Order in Council under this Act

(2) Every marriage in fact solemnized and registered by or before a British consul or other marriage officer in intended pursuance of any Act hereby repealed shall, notwithstanding such repeal or any defect in the authority of the consul or the solemnization of the marriage elsewhere than at the consulate, be as valid as if the said Act had not been repealed, and the marriage had been solemnized at the consulate by or before a duly authorised consul

Provided that this enactment shall not render valid any marriage declared invalid before the passing of this Act by any competent court, or render valid any marriage either of the parties to which has, before the passing of this Act, lawfully intermarried with any other person

27. This Act may be cited as the Foreign Marriage Act, 1892.

Short title

*SCHEDULE [Enactments repealed—Rep (U K), 8 Edw 7, c 49 (S L R)]*

# THE SUPERANNUATION ACT, 1892<sup>1</sup>

(55 & 56 Vict., c. 40.)

*An Act to amend the Acts relating to Superannuation Allowances and Gratuities to Persons in the Public Service so far as respects the computation of successive Service in different Offices where not all subject to the Superannuation Acts, 1834 to 1887, and as respects the application of Section Six of the Superannuation Act, 1887, to Employments of Profit under the Government of India*

[27th June, 1892]

\* \* \* \* \*

1 (1) The Treasury may, within one month after the passing of this Act, frame rules regulating the superannuation allowance or gratuity which may be granted to persons who have served continuously and successively in two or more public offices as defined by this Act, but are not entitled to reckon for such grant service in all those offices

Reckoning  
of service in  
one or more  
public  
offices

(2) The said rules shall provide for reckoning service according to the rules under the Superannuation Acts, 1834<sup>2</sup> to 1887, and subject to such reckoning of service, for granting the same superannuation allowance or gratuity to any person as might have been granted to him, if his whole service had been in the public office from which he ultimately retires

(3) The Treasury may determine in each case the funds or accounts out of which the superannuation allowance or gratuity is to be paid, and where

<sup>1</sup> This Act may be cited with eight others as the Superannuation Acts, 1834 to 1892

<sup>2</sup> Printed, Vol I

it is to be paid out of more than one fund or account, may apportion the amounts to be paid out of each fund or account. Provided that in cases affecting the revenue of India the Secretary of State in Council of India shall determine the amount to be paid therefrom.

Extension to  
Indian em-  
ployments of  
rules under  
50 & 51 Vict.  
c. 67 s. 6.

2 The Treasury may within one month after the passing of this Act, frame rules for the purpose of extending to employments of profit under the department of the Secretary of State in Council of India or the Government of India, such of the existing rules under section six of the Superannuation Act, 1887<sup>1</sup> as do not extend to those employments and may consolidate the existing rules with the rules so framed.

Rules to be  
laid before  
Parliament.

3 A copy of any rules made under this Act shall forthwith be laid before Parliament and the rules shall not come into operation until three months after such copy is so laid nor if within those three months either House passes a resolution objecting to them, but if such resolution is passed the Treasury may frame new rules, and this section shall apply as if the passing of the said resolution were substituted for the passing of this Act and so on as often as occasion may require.

Definitions.

4 In this Act, unless the context otherwise requires—

The expression 'public office' means any office or employment (other than any office or employment in Her Majesty's naval or land forces) service in which qualifies for the grant of a superannuation allowance or gratuity and the remuneration of which is paid out of—

- (a) the Consolidated Fund of the United Kingdom or
- (b) moneys provided by Parliament, or dealt with as appropriations in aid or
- (c) the revenue of India or
- (d) the revenue of the Isle of Man or
- (e) any fund which from its being administered by a public department the Treasury may determine to be a public fund

and includes the office of any existing prison officer within the meaning of the Prisons Act 1877 the General Prisons (Ireland) Act 1877, and the Prisons (Scotland) Act 1877

The expression "superannuation allowance" includes any pension or superannuation or other retiring allowance

Commence-  
ment of Act.

5 This Act shall take effect as from the first day of January one thousand eight hundred and ninety-one ]

Short title  
and con-  
struction.

6 This Act may be cited as the Superannuation Act 1892.

This Act shall be read as one with the Superannuation Acts 1831 to 1887 and those Acts and this Act may be cited together as the Superannuation Acts 1831 to 1892.

<sup>1</sup> Printed, Vol. I.

<sup>2</sup> Reprinted (L. K.) s. 21 s. 2 s. 3 s. 4 s. 5 s. 6 s. 7 s. 8 s. 9 s. 10 s. 11 s. 12 s. 13 s. 14 s. 15 s. 16 s. 17 s. 18 s. 19 s. 20 s. 21 s. 22 s. 23 s. 24 s. 25 s. 26 s. 27 s. 28 s. 29 s. 30 s. 31 s. 32 s. 33 s. 34 s. 35 s. 36 s. 37 s. 38 s. 39 s. 40 s. 41 s. 42 s. 43 s. 44 s. 45 s. 46 s. 47 s. 48 s. 49 s. 50 s. 51 s. 52 s. 53 s. 54 s. 55 s. 56 s. 57 s. 58 s. 59 s. 60 s. 61 s. 62 s. 63 s. 64 s. 65 s. 66 s. 67 s. 68 s. 69 s. 70 s. 71 s. 72 s. 73 s. 74 s. 75 s. 76 s. 77 s. 78 s. 79 s. 80 s. 81 s. 82 s. 83 s. 84 s. 85 s. 86 s. 87 s. 88 s. 89 s. 90 s. 91 s. 92 s. 93 s. 94 s. 95 s. 96 s. 97 s. 98 s. 99 s. 100

## THE REGIMENTAL DEBTS ACT, 1893

(56 &amp; 57 Vict., c. 5.)

*An Act to consolidate and amend the Law relating to the Payment of Regimental Debts, and the Collection and Disposal of the Effects of Officers and Soldiers in case of Death, Desertion, Insanity, and other cases*

[29th April, 1893.]

\* \* \* \* \*

*Collection of Effects and Payment of Preferential Charges.*

1 On the death of a person while subject to military law the prescribed committee of adjustment shall, as soon as may be, in accordance with the prescribed regulations and subject to any exceptions made thereby,—

- (1) secure and make an inventory of all such of the effects of the deceased as are in camp or quarters, and, if the death occurs out of the United Kingdom, are within the prescribed area whether station, colony, or command, or other (which area is in this Act referred to as the regulation area), and
- (2) ascertain the amount and provide for the payment of the preferential charges on the property of the deceased

2 The following shall be the preferential charges on the property of a person dying while subject to military law, and shall, except so far as other provision may be made for them or any of them, be payable in preference to all other debts and liabilities, and, as among themselves, in the following order —

- (1) Expenses of last illness and funeral
- (2) Military debts, namely, sums due in respect of, or of any advance in respect of—
- (a) Quarters,
- (b) Mess, band, and other regimental accounts,
- (c) Military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death,

to which shall be added, where the death occurs out of the United Kingdom,—

- (3) Servants' wages, not exceeding two months' wages to each servant, and
- (4) Household expenses incurred within a month before the death, or after the last issue of pay to the deceased, whichever is the shorter period

3 So much only of the personal property of a person dying whilst subject to military law as remains after payment of the preferential charges shall be considered personal estate of the deceased with reference to the calculation of probate duty, or of any other duty, tax, or percentage, or for any of the purposes of administration.

On death of person subject to military law, committee of adjustment to secure effects and pay charges

Preferential charges.

Surplus only of personal estate to be deemed personal estate

Decision of questions as to preferential charges.

4 If in any case a doubt or difference arises in relation to any preferential charge or the payment thereof the decision of the Secretary of State or of such officer or person as the Secretary of State deputed by writing to act in this behalf, shall be final and shall be binding on all persons for all purposes

Payment of preferential charges by representatives or other persons.

5 Subject to the prescribed regulations, if any person pays or secures the payment of the preferential charges in full the committee of adjustment shall not further interfere in relation to the property, except, so far as they may be requested so to do by or on behalf of that person

Powers and duties of committee where preferential charges are not paid.

6 (1) If within one month after the death or such further time not exceeding the prescribed time as the committee of adjustment allow the preferential charges are not paid or secured to their satisfaction the committee shall proceed to pay those charges.

(2) If the death occurs out of the United Kingdom the committee of adjustment, save as may be prescribed shall, if it appears to them necessary for the payment of the preferential charges and in any case may collect all the personal property of the deceased in the regulation area

(3) The committee, save as may be prescribed shall for the purpose of paying the preferential charges and their expenses, and in any case may, at such time as subject to the prescribed regulations they think expedient, sell and convert into money such of the personal property of the deceased as does not consist of money

(4) If the death occurs out of the United Kingdom they may also save as otherwise prescribed pay all debts which appear to them to be legally payable out of the personal estate of the deceased

(5) For the purpose of the exercise of their duties the committee shall to the exclusion of all authorities and persons whomsoever have the same rights and powers as if they have taken out representation to the deceased and also if in a colony the powers which any official administrator has by the law of that colony and any receipt given by the committee shall have the like effect as if it had been given by the legal personal representative of the deceased

(6) The committee of adjustment shall lodge the surplus remaining in their hands after payment of the said charges and expenses and debts with such person (in this Act referred to as the paymaster) at such times in such manner and together with such inventory accounts vouchers and information as may be prescribed

#### *Disposal of Surplus and Residue*

Disposal of surplus by paymaster

7 The paymaster shall pay the surplus in the prescribed manner and subject to the prescribed provisions and exceptions as follows:

(1) If out of the United Kingdom he may pay thereout any expenses which under the prescribed regulations are chargeable against the surplus and any debts which are legally payable out of the personal estate of the deceased

(2) If he knows of a representative of the deceased in the same part of Her Majesty's dominions, he shall pay the surplus to that representative.

(3) If he does not know of such a representative as above mentioned, and the amount does not exceed one hundred pounds, he may pay or apply all or any part thereof to or for the benefit of such persons in the same part of Her Majesty's dominions as he knows of and appear to be beneficially entitled to the personal estate of the deceased or to or for the benefit of any of such persons;

(4) He shall remit the surplus or so much thereof as is not paid or applied in pursuance of this section to the Secretary of State.

8 The Secretary of State, on being informed of the death of a person subject to military law shall proceed with all reasonable speed as follows:—

Disposal of  
residue by  
Secretary of  
State

(1) He shall cause to be ascertained the total amount to the credit of the deceased including any surplus or part of a surplus remitted by a paymaster as mentioned in this Act, and all arrears of pay, batta, grants, and other allowances in the nature thereof, which total amount so ascertained is in this Act referred to as the residue,

(2) If he has notice of a representative of the deceased, he shall pay the residue to that representative,

(3) He may, and if it is so prescribed shall before such payment, publish the prescribed notice stating the amount of the residue and such other particulars respecting the deceased and his property as may seem fit, and also the mode in which any application respecting the residue is to be made to the Secretary of State. Provided that the Secretary of State may pay out of any money in his hands to the credit of the deceased any preferential charges appearing to him to have been left unpaid by the committee of adjustment

9 Where the residue does not exceed one hundred pounds, the Secretary of State may, if he thinks fit, require representation to be taken out, but if he does not, and has no notice of a representative of the deceased, then, after the expiration of the prescribed time and the publication of the prescribed notice (if any), the residue shall be disposed of as follows

Disposals by  
Secretary of  
State of  
residue  
where  
residue does  
not exceed  
one hundred  
pounds and  
no represent-  
ation

(1) The Secretary of State may, if he thinks fit, pay or apply the residue or any part thereof, in accordance with the prescribed regulations to or for the benefit of any of the persons appearing to be beneficially entitled to the personal estate of the deceased, or any of them, and may for that purpose invest the same by deposit in a military or other savings bank or otherwise, and, if necessary, in the name or names of a trustee or trustees for any such person.

(2) Any part thereof remaining in the hands of the Secretary of State, and not irrevocably appropriated, shall be applied in paying any debt of the deceased which—

(a) accrued due within three years before the death, and



(b) is claimed from the Secretary of State within two years after the death and

(c) is proved by the claimant to the satisfaction of the Secretary of State

(3) Except as above in this section provided, a person shall not be entitled to obtain payment out of any residue in the hands of the Secretary of State of any sum due from the deceased.

Application  
of residue  
undisposed  
of.

10 (1) Where any residue or any part thereof remains undisposed of and unappropriated, the prescribed notice thereof shall be published, and during six years next after the publication of that notice the like notice, with any necessary modifications shall be annually published

(2) So much of the residue as remains undisposed of and unappropriated for six months after the publication of the last of such notices shall together with any income or accumulations of income accrued therefrom be applied in the prescribed manner in or towards the creation or maintenance of such compassionate or other fund for the benefit of widows and children or other near relatives of soldiers dying on service or within six months after discharge as may be prescribed

(3) Provided that the application under this section of any residue or part of a residue shall not bar any claim of any person to the same or any part thereof. }

#### *Supplemental Provisions*

Disposal of  
effects and  
creditors.

11 Medals and decorations shall not be considered to be comprised in the personal estate of the deceased with reference to the claims of creditors or for any of the purposes of administration under this Act or otherwise and, notwithstanding anything in this or any other Act the same when secured by the committee of adjustment shall be held and disposed of according to regulations laid down by royal warrant

Disposal of  
effects not  
money

12 Where any part of the personal estate of the deceased consists of effects securities or other property not converted into money the provisions of this Act with respect to paying or remitting the surplus shall save as may be prescribed extend to the delivery transmission, or transfer of such effects securities or property and the postmaster and Secretary of State shall respectively have the same power of converting the same into money as the representative of the deceased

Regulations  
by royal  
warrant.

13 (1) Her Majesty the Queen may by warrant under the Royal Sign Manual, make regulations for all such things as are by this Act directed or authorised to be prescribed or made subject to regulations, and also such regulations as may seem fit for the better execution of this Act or any part thereof and may by such regulations make different provisions to meet different cases or different circumstances

(2) Every royal warrant made under this Act shall be printed by the Queen's printer and published under the authority of Her Majesty's

Stationery Office and laid before both Houses of Parliament as soon as may be after the making thereof

14 (1) An official administrator, notwithstanding any law, regulating his office independently of this Act, shall not interpose in any manner in relation to any property of a person dying while subject to military law, except in the prescribed cases, or except when and so far as he is expressly required to do so by a committee of adjustment, or paymaster or Secretary of State.

Restriction on interposition of official administrators.

(2) The committee of adjustment in such cases, under such circumstances, and at such times as may be prescribed, may request an official administrator to exercise his official powers either on behalf of the committee or otherwise, and the administrator shall comply with the request. The committee may also lodge any property secured or collected by them with any official administrator

(3) Where under this Act any property comes to the hands of any official administrator, he shall administer the same as regards preferential charges and otherwise in accordance with this Act, and, subject thereto, according to the law regulating his office independently of this Act

(4) The official administrator shall remit any surplus remaining in his hands after discharge of all debts and his charges to the Secretary of State at such time and in such manner as may be prescribed, to be disposed of according to the provisions of this Act as if remitted by a paymaster.

(5) An official administrator shall not take a percentage on the property exceeding three per cent on the gross amount coming to or remaining in his hands after payment of preferential charges.

15. Any property coming under this Act to the hands of any committee of adjustment or paymaster shall not, by reason of so coming, be deemed assets or effects at the place in which that committee or paymaster is stationed or resides, and it shall not be necessary by reason thereof that representation be taken out in respect of that property for that place.

Money remitted not to be assets in place where remitted to

16. Where any surplus or residue, as the case may be, does not exceed one hundred pounds, no duty shall be payable in the United Kingdom or India in respect thereof, and it shall not be necessary that representation to any deceased person be taken out for the purpose of obtaining payment thereof or of any part thereof under this Act from a paymaster or a Secretary of State, except in any prescribed case, or in any case, where the Secretary of State requires it

Duty and representation where sums under 100l

17 Compliance with the regulations under this Act with respect to the mode of payment of any surplus or residue or any part thereof to any person (whether by transmission or remission to another place or person or otherwise) shall discharge the Secretary of State, or paymaster or other person complying with the regulations, and he shall not be liable by reason of the surplus or residue or part which may be in his hands having been paid, transmitted, remitted or otherwise dealt with in accordance with the regulations.

Discharge of paymaster and Secretary of State

18 Every payment, application, sale, or other disposition of property made by the Secretary of State, or by any committee of adjustment or by any

Validity of payments, sales, etc.,

under this Act.

paymaster when acting in execution or supposed execution of this Act, or of any royal warrant for carrying this Act into effect shall be valid as against all persons whomsoever and the Secretary of State, and every officer belonging to any such committee, and every such paymaster as aforesaid shall by virtue of this Act be absolutely discharged from all liability in respect of the property so paid, applied sold or disposed of

Saving for rights of representative.

19 After the committee of adjustment have lodged with the paymaster the surplus of the property of any deceased person, any representative of that person and any official administrator shall as regards any property of a deceased person not collected by the committee of adjustment and not forming part of the surplus or residue in this Act mentioned, have the same rights and duties as if this Act had not passed

Creditor administering not entitled to claim property

20 A creditor as such shall not be deemed a person entitled to take out representation to the deceased within the meaning of this Act or to pay or secure the preferential charges nor shall a creditor taking out representation be entitled as representative of the deceased to claim from a paymaster or the Secretary of State any part of the property of the deceased

deposit in vault of robe, etc., or original wills in hands of secretary of State, and declaration of intestacy

21 (1) Where any original will of a person dying while subject to military law whether he died before or after the commencement of this Act comes to the hands of a Secretary of State and representation under the same is not taken out then the Secretary of State may cause the same to be deposited as follows

- (a) Where the domicile of the testator appears to the Secretary of State to have been in Scotland then in the office of the commissary clerk of the commissary court of the county of Edinburgh
- (b) Where the domicile of the testator appears to the Secretary of State to have been in Ireland then in the place for the time being appointed in Dublin for the deposit of original wills brought into the High Court in Ireland
- (c) In any other case in the place for the time being appointed in London for the deposit of original wills brought into the High Court in England

(2) Where a person dies while subject to military law intestate and under this Act any residue of his property comes to the hands of the Secretary of State and representation to the deceased is not taken out then the Secretary of State may if it seems fit cause a declaration of his intestacy to be deposited in the place or office where his original will (if any) would be deposited as aforesaid

(3) In every such case the Secretary of State may cause to be deposited together with the original will or declaration of intestacy an inventory showing the personal property of the deceased and the application thereof as far as the same is known

(4) Every such original will declaration of intestacy and inventory shall be preserved and dealt with and may be inspected subject to the following

to the same rules or orders and on payment of the same fees as any other like document deposited in that office or place, or subject and according to such other rules or orders and on payment of such other fees, as may be made or fixed in that behalf by the court, judge or other authority empowered to make rules or orders in relation to other documents deposited in the same place or office.

*Application of Act to special cases.*

22 In the application of this Act to an army paymaster, the following modifications shall be made

Special provisions to an army paymaster.

- (1) The powers and duties of the committee of adjustment shall arise immediately on his death, and shall continue notwithstanding that the professional charges are paid or secured
- (2) Money in the possession or under the control of an army paymaster at his death shall not be considered to be comprised in his effects for the purposes of this Act.
- (3) The surplus in the hands of the committee of adjustment and the residue in the hands of a Secretary of State shall be dealt with and disposed of as may be prescribed and not according to the foregoing provisions of this Act

23 Where a person subject to military law deserts, or is absent without leave for twenty-one days, or is convicted by a civil court of any offence which by the law of England is felony, or is delivered up as an apprentice, whether in pursuance of an order of a court, or otherwise, the provisions of this Act shall apply as if the person were dead subject to the following modifications

Application of Act to deserters, felons, etc

- (1) The powers of the committee of adjustment shall arise and continue notwithstanding that the preferential charges are paid or secured.
- (2) The committee of adjustment shall dispose of the surplus in the prescribed manner, and the same when so disposed of shall be free from all claim on the part of the said person or any one claiming through him

24 Where a person subject to military law is ascertained in the prescribed manner to be insane, the provisions of this Act shall apply as if he had died at the time of his insanity being so ascertained, subject nevertheless to the prescribed exceptions, and to the following modifications:

Application of Act to case of insanity

- (a) The preferential charges may be paid by the wife of the insane person, or by any person who, subject to the prescribed regulations, appears to be a relative of or person undertaking the care of the insane person or of his property
- (b) The committee of adjustment shall dispose of the surplus in the prescribed manner with a view to its being applied for the benefit of the insane person,

*Application of Act to India.*

General application of Act to India.

25 This Act shall apply to India as if it were a colony, subject to the modifications in this Act mentioned, and to this exception that it shall not, save so far as may be prescribed apply to any native of India within the meaning of Indian military law

Provision where death occurs in India, the deceased not being a soldier

26 In the case of the death of a person who dies while in India or while on service with any force under the command of the commander-in-chief in India, or of any provincial commander-in-chief in India, and who is not a soldier of Her Majesty's regular forces, this Act shall apply with the following modifications

- (1) The paymaster shall after the prescribed notice, pay all debts of which he has notice within the prescribed time and which appear to him to be lawfully payable out of the estate of the deceased. Provided that if under the special circumstances of the case of the deceased it appears to the paymaster inexpedient or unjust to pay any claims out of the estate, or if the claims lodged exceed in the whole the prescribed amount, the paymaster shall, without discharging those claims, or any of them transfer the surplus aforesaid to the official administrator
- (2) Where the paymaster does not so transfer the surplus, he shall dispose thereof or of so much thereof as remains after the discharge of any claims in manner directed by this Act
- (3) The foregoing provisions of this section shall not apply to an army paymaster
- (4) The secretary to the Government of India in the military department shall have the same power as the Secretary of State to decide any doubt or difference as to preferential charges and his decision shall have the same effect as if it were given by the Secretary of State

Deduction of arrears of subscription to military and orphan funds. Provision as to Secretary of State for India.

27 Nothing in this Act shall prevent the Secretary of State from deducting in the pay office from any arrears of pay due to the deceased the amount of any arrears of subscription due by the deceased to the Indian military and orphan funds or either of them

28 Anything authorised or required by this Act to be done by or before a Secretary of State may in the prescribed cases, be done by or before the Secretary of State in Council of India.

*Definitions Extent Commencement Repeal Short Title*

Definitions.

29 In this Act unless the context otherwise requires —

The expression "officer" includes a warrant officer although not holding an honorary commission

The expression "representation" includes probate and letters of administration with or without will annexed as if in England

confirmation, and in India or a colony the corresponding documents in use according to the law of India or the colony

The expression "representative" means any person taking out representation, but does not include an official administrator

The expression "official administrator" means in India the administrator general of any presidency or province, and in a colony means any public officer who has by law any powers or duties in relation to the collection or distribution of the estate of any deceased person

The expression "prescribed" means prescribed by royal warrant.

Save as aforesaid expressions in this Act have the same meaning as in the Army Act

30 (1) This Act shall apply to all persons subject to military law, whether within or without Her Majesty's dominions Extent of Act

Vict, (2) This Act shall be registered by the Royal Courts of the Channel Islands, and shall apply to those Islands and to the Isle of Man as if they were parts of the United Kingdom

(3) This Act shall apply to a place in which Her Majesty exercises jurisdiction under the Foreign Jurisdiction Act, 1890<sup>1</sup>, as if that place were a colony.

<sup>2</sup>31 This Act shall come into operation on the first day of October one thousand eight hundred and ninety-three, or any earlier day appointed either generally or with reference to any place or places by royal warrant Commencement of Act

32 [*Repeal—Rep (U K), 8 Edw 7, c. 49 (S L R)*]

33. This Act may be cited as the Regimental Debts Act, 1893

Short title.

## THE TRUSTEE ACT, 1893.<sup>3</sup>

(56 & 57 Vict., c 53)

*An Act to consolidate Enactments relating to Trustees.*

[22nd September, 1893.]

\* \* \* \* \*

### PART I.

#### INVESTMENT

1 A trustee may, unless expressly forbidden by the instrument (if any) creating the trust, invest any trust funds in his hands, whether at the time in a state of investment or not, in manner following, that is to say Authorised investments

(a) In any of the parliamentary stocks or public funds or Government securities of the United Kingdom

<sup>1</sup> Printed *ante*

<sup>2</sup> Repealed (U K), 8 Edw 7, c 49 (S L R)

<sup>3</sup> Amended 57 & 58 Vict, c 10, *post*

- (b) On real or heritable securities in Great Britain or Ireland
- (c) In the stock of the Bank of England or the Bank of Ireland
- (d) In India Three and a half per cent. stock and India Three per cent stock, or in any other capital stock which may at any time hereafter be issued by the Secretary of State in Council of India under the authority of Act of Parliament, and charged on the revenues of India
- (e) In any securities the interest of which is for the time being guaranteed by Parliament
- (f) In consolidated stock created by the Metropolitan Board of Works or by the London County Council or in debenture stock created by the Receiver for the Metropolitan Police District
- (g) In the debenture or rent charge, or guaranteed or preference stock of any Railway Company in Great Britain or Ireland incorporated by special Act of Parliament and having during each of the ten years last passed before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock
- (h) In the stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than two hundred years at a fixed rental to any such railway company as is mentioned in sub-section (g) either alone or jointly with any other railway company
- (i) In the debenture stock of any railway company in India the interest on which is paid or guaranteed by the Secretary of State in Council of India
- (j) In the B' annuities of the Eastern Bengal the East Indian and the Scinde Punjab and Delhi Railways, and any like annuities which may at any time hereafter be created on the purchase of any other railway by the Secretary of State in Council of India and charged on the revenues of India and which may be authorised by Act of Parliament to be accepted by trustees in lieu of any stock held by them in the purchased railway also in deferred annuities comprised in the register of holders of annuity Class D and annuities comprised in the register of annuitants Class C of the East Indian Railway Company
- (k) In the stock of any railway company in India upon which a fixed or minimum dividend in sterling is paid or guaranteed by the Secretary of State in Council of India or upon the capital of which the interest is so guaranteed
- (l) In the debenture or guaranteed or preference stock of any company in Great Britain or Ireland established for the supply of water for profit and incorporated by special Act of Parliament or by Royal Charter and having during each of the ten years last past

before the date of investment paid a dividend of not less than five pounds per centum on its ordinary stock.

- (m) In nominal or inscribed stock issued, or to be issued, by the corporation of any municipal borough having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, or by any county council, under the authority of any Act of Parliament or Provisional Order
- (n) In nominal or inscribed stock issued or to be issued by any commissioners incorporated by Act of Parliament for the purpose of supplying water, and having a compulsory power of levying rates over an area having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, provided that during each of the ten years last past before the date of investment the rates levied by such commissioners shall not have exceeded eighty per centum of the amount authorised by law to be levied
- (o) In any of the stocks, funds, or securities for the time being authorised for the investment of cash under the control or subject to the order of the High Court,

and may also from time to time vary any such investment

2. (1) A trustee may under the powers of this Act invest in any of the securities mentioned or referred to in section one of this Act, notwithstanding that the same may be redeemable, and that the price exceeds the redemption value <sup>Purchase at a premium of redeemable stocks.</sup>

(2) Provided that a trustee may not under the powers of this Act purchase at a price exceeding its redemption value any stock mentioned or referred to in sub-sections (g), (i), (k), (l), and (m) of section one, which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or purchase any such stock as is mentioned or referred to in the sub-sections aforesaid, which is liable to be redeemed at par or at some other fixed rate, at a price exceeding fifteen per centum above par or such other fixed rate

(3) A trustee may retain until redemption any redeemable stock, fund, or security which may have been purchased in accordance with the powers of this Act

3. Every power conferred by the preceding sections shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument, if any, creating the trust with respect to the investment of the trust funds <sup>Discretion of trustees.</sup>

4. The preceding sections shall apply as well to trusts created before as to trusts created after the passing of this Act, and the powers thereby conferred shall be in addition to the powers conferred by the instrument, if any, creating the trust <sup>Application of preceding sections</sup>



Enlargement  
of express  
powers of  
investment.

5 (1) A trustee having power to invest in real securities unless expressly forbidden by the instrument creating the trust, may invest and shall be deemed to have always had power to invest—

(a) on mortgage of property held for an unexpired term of not less than two hundred years, and not subject to a reservation of rent greater than a shilling a year or to any right of redemption or to any condition for re-entry except for non payment of rent and

(b) on any charge, or upon mortgage of any charge made under the Improvement of Land Act 1864.

27 & 28 Vict.  
c 114

(2) A trustee having power to invest in the mortgages or bonds of any railway company or of any other description of company may unless the contrary is expressed in the instrument authorising the investment invest in the debenture stock of a railway company or such other company as aforesaid

(3) A trustee having power to invest money in the debentures or debenture stock of any railway or other company may unless the contrary is expressed in the instrument authorising the investment invest in any nominal debentures or nominal debenture stock issued under the Local Loans Act 1875

34 & 35 Vict.  
c 82

(4) A trustee having power to invest money in securities in the Isle of Man or in securities of the government of a colony may unless the contrary is expressed in the instrument authorising the investment invest in any securities of the Government of the Isle of Man under the Isle of Man Loans Act 1880

43 & 44 Vict.  
c 8

(5) A trustee having a general power to invest trust moneys in or upon the security of shares stock mortgages bonds or debentures of companies incorporated by or acting under the authority of an Act of Parliament may invest in or upon the security of mortgage debentures duly issued under and in accordance with the provisions of the Mortgage Debenture Act 1866

29 & 30 Vict.  
c 4

6 A trustee having power to invest in the purchase of land or on mortgage of land may invest in the purchase or on mortgage of any land notwithstanding the same is charged with a rent under the powers of the Landed Money Drainage Acts 1816 to 1856 or the Landed Property Improvement (Ireland) Act 1817 or by an absolute or equitable under the Improvement of Land Act 1861 unless the terms of the trust expressly provide that the land to be purchased or taken in mortgage shall not be subject to any such charge

Power to  
invest, not  
withstanding  
drainage  
charges.

Trustees not  
to convert  
inclosed  
stock into  
certificates  
to bearer

7 (1) A trustee unless authorised by the terms of the trust shall not apply for or hold any certificate to bear interest under the following Acts that is to say—

(1) The India-Stock Certificate Act 1817

2 & 3 Vict.  
c 1  
3 & 4 Vict.  
c 21

(2) The National Debt Act 1841

39 Vict., (c) The Local Loans Act, 1875,

41 Vict., (d) The Colonial Stock Act, 1877

(2) Nothing in this section shall impose on the Bank of England or of Ireland, or on any person authorised to issue any such certificates, any obligation to inquire whether a person applying for such a certificate is or is not a trustee, or subject them to any liability in the event of their granting any such certificate to a trustee, nor invalidate any such certificate if granted

8. (1) A trustee lending money on the security of any property in which he can lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, provided that it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom he reasonably believed to be an able practical surveyor or valuer instructed and employed independently of any owner of the property, whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two equal third parts of the value of the property as stated in the report, and that the loan was made under the advice of the surveyor or valuer expressed in the report

Loans and investments by trustees not chargeable as breaches of trust.

(2) A trustee lending money on the security of any leasehold property shall not be chargeable with breach of trust only upon the ground that in making such loan he dispensed either wholly or partly with the production or investigation of the lessor's title

(3) A trustee shall not be chargeable with breach of trust only upon the ground that in effecting the purchase of or in lending money upon the security of any property he has accepted a shorter title than the title which a purchaser is, in the absence of a special contract, entitled to require, if in the opinion of the court the title accepted be such as a person acting with prudence and caution would have accepted

(4) This section applies to transfers of existing securities as well as to new securities, and to investments made as well before as after the commencement of this Act, except where an action or other proceeding was pending with reference thereto on the twenty-fourth day of December one thousand eight hundred and eighty-eight

9. (1) Where a trustee improperly advances trust money on a mortgage security which would at the time of the investment be a proper investment in all respects for a smaller sum than is actually advanced thereon the security shall be deemed an authorised investment for the smaller sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest

Liability or loss by reason of improper investments

(2) This section applies to investments made as well before as after the commencement of this Act except where an action or other proceeding was pending with reference thereto on the twenty-fourth day of December one thousand eight hundred and eighty-eight.

## PART II

## VARIOUS POWERS AND DUTIES OF TRUSTEES

*Appointment of new Trustees*

Power of  
appointing  
new trustees.

10 (1) Where a trustee, either original or substituted and whether appointed by a court or otherwise is dead, or remains out of the United Kingdom for more than twelve months or desires to be discharged from all or any of the trusts or powers reposed in or conferred on him or refuses or is unfit to act therein, or is incapable of acting therein then the person or persons nominated for the purpose of appointing new trustees by the instrument, if any creating the trust, or if there is no such person or no such person able and willing to act then the surviving or continuing trustees or trustee for the time being or the personal representatives of the last surviving or continuing trustee may by writing appoint another person or other persons to be a trustee or trustees in the place of the trustee dead remaining out of the United Kingdom desiring to be discharged refusing or being unfit or being incapable, as aforesaid

(2) On the appointment of a new trustee for the whole or any part of trust property—

(a) the number of trustees may be increased and

(b) a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property notwithstanding that no new trustees or trustee are or is to be appointed for other parts of the trust property and any existing trustee may be appointed or remain one of such separate set of trustees or if only one trustee was originally appointed then one separate trustee may be so appointed for the first mentioned part and

(c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed but, except where only one trustee was originally appointed a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust and

(d) any assurance or thing requisite for vesting the trust property or any part thereof jointly in the person who are the trustees shall be executed or done

(3) Every new trustee so appointed as well before as after all the trust property becomes by law or by assurance or otherwise vested in him shall have the same powers, authorities and discretions as if he had been originally appointed a trustee by the instrument creating the trust

(4) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section

(5) This section applies only if and as far as a contrary intention is not expressed in the instruments, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(6) This section applies to trusts created either before or after the commencement of this Act

11. (1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act, without any new trustee being appointed in his place Retirement of trustee

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained

(4) This section applies to trusts created either before or after the commencement of this Act

12. (1) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of the deed become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right Vesting of trust property in new or continuing trustees.

(2) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purpose of the trust, the estate, interest, or right to which the declaration relates

(3) This section does not extend to any legal estate or interest in copyhold or customary land, or to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner directed by or under Act of Parliament

(4) For purposes of registration of the deed in any registry the person or persons making the declaration shall be deemed the conveying party or parties and the conveyance shall be deemed to be made by him or them under a power conferred by this Act

(5) This section applies only to deeds executed after the thirty-first of December one thousand eight hundred and eighty-one.

### *Purchase and Sale.*

Power of trustee for sale to sell by auction, &c.

13. (1) Where a trust for sale or a power of sale of property is vested in a trustee, he may sell or concur with any other person in selling all or any part of the property either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title or evidence of title or other matter as the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction or to rescind any contract for sale and to re-sell, without being answerable for any loss.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained

(3) This section applies only to a trust or power created by an instrument coming into operation after the thirty-first of December one thousand eight hundred and eighty-one.

Power to sell subject to depreciatory conditions.

14 (1) No sale made by a trustee shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory unless it also appears that the consideration for the sale was thereby rendered inadequate

(2) No sale made by a trustee shall, after the execution of the conveyance, be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory, unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for sale was made

(3) No purchaser upon any sale made by a trustee shall be at liberty to make any objection against the title upon the ground aforesaid

(4) This section applies only to sales made after the twenty-fourth day of December one thousand eight hundred and eighty-eight

Power to sell under 37 & 38 Vict. c 54. Married women as bare trustee may convey

15 A trustee who is either a vendor or a purchaser may sell or buy with out excluding the application of section two of the Vendor and Purchaser Act 1874

16 When any freehold or copyhold hereditament is vested in a married woman as a bare trustee she may convey or surrender it as if she were a feme sole

### *Various Provisions Relating to*

Power to authorise receipt of

17 (1) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money or valuable consideration or property

receivable by the trustee under the trust, by permitting the solicitor to have money by the custody of, and to produce, a deed containing any such receipt as is referred to in section fifty-six of the conveyancing and Law of Property Act, 1881, and a trustee shall not be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment, and the producing of any such deed by the solicitor shall have the same validity and effect under the said section as if the person appointing the solicitor had not been a trustee.

(2) A trustee may appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to the trustee under or by virtue of a policy of assurance by permitting the banker or solicitor to have the custody of and to produce the policy of assurance with a receipt signed by the trustee, and a trustee shall not be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment

(3) Nothing in this section shall exempt a trustee from any liability which he would have incurred if this Act had not been passed, in case he permits any such money, valuable consideration, or property to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable the banker or solicitor (as the case may be) to pay or transfer the same to the trustee

(4) This section applies only where the money or valuable consideration or property is received after the twenty-fourth day of December one thousand eight hundred and eighty-eight

(5) Nothing in this section shall authorise a trustee to do anything which he is in express terms forbidden to do, or to omit anything which he is in express terms directed to do, by the instrument creating the trust

18. (1) A trustee may insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property, and pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income

(2) This section does not apply to any building or property which a trustee is bound forthwith to convey absolutely to any beneficiary upon being requested to do so.

(3) This section applies to trusts created either before or after the commencement of this Act, but nothing in this section shall authorise any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust

19. (1) A trustee of any leasehold for lives or years which are renewable from time to time either under any covenant or contract, or by custom or usual practice, may, if he thinks fit, and shall, if thereto required by any person having any beneficial interest, present or future, or contingent in the

money by  
banker or  
solicitor.

Power to  
insure  
building

Power of  
trustees of  
renewable  
leaseholds  
to renew  
and raise

money  
for the  
purpose

leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms and for that purpose may from time to time make or concur in making a surrender of the lease for the time being subsisting and do all such other acts as are requisite. Provided that where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew or to contribute to the expense of renewal this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee.

(2) If money is required to pay for the renewal the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the lands to be comprised in the renewed lease, and if he has not in his hands sufficient money for the purpose he may raise the money required by mortgage of the hereditaments to be comprised in the renewed lease or of any other hereditaments for the time being subject to the uses or trusts to which those hereditaments are subject and no person advancing money upon a mortgage purporting to be under this power shall be bound to see that the money is wanted or that no more is raised than is wanted for the purpose.

(3) This section applies to trusts created either before or after the commencement of this Act, but nothing in this section shall authorise any trustee to do anything which he is in express terms forbidden to do or to omit to do anything which he is in express terms directed to do by the instrument creating the trust.

Power of trustee to give receipts.

20 (1) The receipt in writing of any trustee for any money, securities or other personal property or effects payable, transferable or deliverable to him under any trust or power shall be a sufficient discharge for the same and shall effectually exonerate the person paying, transferring or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

(2) This section applies to trusts created either before or after the commencement of this Act

Power for  
executors  
and trustees  
to compound  
1c

21 (1) An executor or administrator may pay or allow any debt or claim on any evidence that he thinks sufficient

(2) An executor or administrator or two or more trustees and not either or a sole acting trustee whereby the instrument if any vests the trust in a sole trustee is authorized to execute the trust and pay or collect for said and as he or they may think fit accept any compensation as may seem just or personal for any debt or for any property real or personal estate that may allow any time for payment for any debt and may employ such counsel and attorney at law to litigate or otherwise carry out the trust or thing subject vesting in the trustee or trustees and if any of them requires may enter his name as co-trustee in the instrument as a co-compounder of the same.

as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument, and to the provisions therein contained

(4) This section applies to executorships, administratorships and trusts constituted or created either before or after the commencement of this Act

22. (1) Where a power or trust is given to or vested in two or more trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being Powers of two or more trustees

(2) This section applies only to trusts constituted after or created by instruments coming into operation after the thirty-first day of December one thousand eight hundred and eighty-one

23. A trustee acting or paying money in good faith under or in pursuance of any power of attorney shall not be liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power if this fact was not known to the trustee at the time of his so acting or paying Exoneration of trustees in respect of certain powers of attorney

Provided that nothing in this section shall affect the right of any person entitled to the money against the person to whom the payment is made, and that the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee

24. A trustee shall, without prejudice to the provisions of the instrument, if any, creating the trust, be chargeable only for money and securities actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects or defaults, and not for those of any other trustee, nor for any banker, broker, or other person with whom any trust moneys, or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default, and may reimburse himself, or pay or discharge out of the trust premises, all expenses incurred in or about the execution of his trusts or powers. Implied indemnity of trustees

## PART III

### POWERS OF THE COURT.

#### *Appointment of new Trustees and Vesting Orders*

25. (1) The High Court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee Power of the Court to appoint new trustees



money  
for the  
purpose

leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms and for that purpose may from time to time make or concur in making a surrender of the lease for the time being subsisting and do all such other acts as are requisite Provided that where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew or to contribute to the expense of renewal this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee

(2) If money is required to pay for the renewal the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the lands to be comprised in the renewed lease, and if he has not in his hands sufficient money for the purpose he may raise the money required by mortgage of the hereditaments to be comprised in the renewed lease or of any other hereditaments for the time being subject to the uses or trusts to which those hereditaments are subject and no person advancing money upon a mortgage purporting to be under this power shall be bound to see that the money is wanted or that no more is raised than is wanted for the purpose

(3) This section applies to trusts created either before or after the commencement of this Act but nothing in this section shall authorise any trustee to do anything which he is in express terms forbidden to do or to omit to do anything which he is in express terms directed to do by the instrument creating the trust.

Power of trustee to give receipts.

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Power for  
executors  
and trustees  
to compound,  
etc.

21 (1) An executor or administrator may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2) An executor or administrator or two or more trustees acting together or a sole acting trustee whereby the instrument if any creates the trust a sole trustee is authorised to execute the trusts and powers thereof in and as he or they may think fit accept any compulsion any security or allow any time for payment for any debt or for any property or personal or thing whatever relating to the trust or to a demand to the trust or for any of the purposes may enter into any agreement or execute any instrument of compulsion or any other instrument or thing

as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument, and to the provisions therein contained

(4) This section applies to executorships, administratorships and trusts constituted or created either before or after the commencement of this Act

22. (1) Where a power or trust is given to or vested in two or more trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being Powers of two or more trustees

(2) This section applies only to trusts constituted after or created by instruments coming into operation after the thirty-first day of December one thousand eight hundred and eighty-one

23. A trustee acting or paying money in good faith under or in pursuance of any power of attorney shall not be liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power if this fact was not known to the trustee at the time of his so acting or paying Exoneration of trustees in respect of certain powers of attorney

Provided that nothing in this section shall affect the right of any person entitled to the money against the person to whom the payment is made, and that the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee

24. A trustee shall, without prejudice to the provisions of the instrument, if any, creating the trust, be chargeable only for money and securities actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects or defaults, and not for those of any other trustee, nor for any banker, broker, or other person with whom any trust moneys, or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default, and may reimburse himself, or pay or discharge out of the trust premises, all expenses incurred in or about the execution of his trusts or powers Implied indemnity of trustees

### PART III

#### POWERS OF THE COURT.

##### *Appointment of new Trustees and Vesting Orders*

25. (1) The High Court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee Power of the Court to appoint new trustees

In particular and without prejudice to the generality of the foregoing provision, the Court may make an order for the appointment of a new trustee in substitution for a trustee who is convicted of felony or is a bankrupt.

(2) An order under this section, and any consequential vesting order or conveyance shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated

(3) Nothing in this section shall give power to appoint an executor or administrator

Vesting  
orders as to  
land.

26 In any of the following cases, namely —

- (i) Where the High Court appoints or has appointed a new trustee and
- (ii) Where a trustee entitled to or possessed of any land or entitled to a contingent right therein either solely or jointly with any other person,—
  - (a) is an infant, or
  - (b) is out of the jurisdiction of the High Court, or
  - (c) cannot be found, and
- (iii) Where it is uncertain who was the survivor of two or more trustees jointly entitled to or possessed of any land and
- (iv) Where as to the last trustee known to have been entitled to or possessed of any land, it is uncertain whether he is living or dead and
- (v) Where there is no heir or personal representative to a trustee who was entitled to or possessed of land and has died intestate as to that land or where it is uncertain who is the heir or personal representative or devisee of a trustee who was entitled to or possessed of land and is dead and
- (vi) Where a trustee jointly or solely entitled to or possessed of any land or entitled to a contingent right therein has been required by or on behalf of a person entitled to require a conveyance of the land or a release of the right to convey the land or to release the right and has wilfully refused or neglected to convey the land or release the right for twenty-eight days after the date of the requirement

the High Court may make an order (in this Act called a vesting order) vesting the land in any such person in any such manner and for any such estate as the Court may direct de pleno iure or *de facto* of the estate of any such person as the Court may direct

Provided that—

- (a) Where the order is consequential on the appointment of a new trustee the land shall be vested in such person as the Court may direct in the persons who could claim the land as tenants in common

- (b) Where the order relates to a trustee entitled jointly with another person, and such trustee is out of the jurisdiction of the High Court or cannot be found, the land or right shall be vested in such other person, either alone or with some other person

27. Where any land is subject to a contingent right in an unborn person or class of unborn persons who, on coming into existence would, in respect thereof, become entitled to or possessed of the land on any trust, the High Court may make an order releasing the land from the contingent right, or may make an order vesting in any person the estate to or of which the unborn person or class of unborn persons would, on coming into existence, be entitled or possessed in the land

*Orders as to contingent rights of unborn person*

28. Where any person entitled to or possessed of land, or entitled to a contingent right in land, by way of security for money, is an infant, the High Court may make an order vesting or releasing or disposing of the land or right in like manner as in the case of an infant trustee

*Vesting order in place of conveyance by infant mortgagee*

29. Where a mortgagee of land has died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of the mortgage has been paid to a person entitled to receive the same, or that last mentioned person consents to any order for the reconveyance of the land, then the High Court may make an order vesting the land in such person or persons in such manner and for such estate as the Court may direct in any of the following cases, namely,—

*Vesting order in place of conveyance by heir, or devisee of heir, etc., or personal representative of mortgagee*

- (a) Where an heir or personal representative or devisee of the mortgagee is out of the jurisdiction of the High Court or cannot be found, and
- (b) Where an heir or personal representative or devisee of the mortgagee on demand made by or on behalf of a person entitled to require a conveyance of the land has stated in writing that he will not convey the same or does not convey the same for the space of twenty-eight days next after a proper deed for conveying the land has been tendered to him by or on behalf of the person so entitled, and
- (c) Where it is uncertain which of several devisees of the mortgagee was the survivor, and
- (d) Where it is uncertain as to the survivor of several devisees of the mortgagee or as to the heir or personal representative of the mortgagee whether he is living or dead, and
- (e) Where there is no heir or personal representative to a mortgagee who has died intestate as to the land, or where the mortgagee has died and it is uncertain who is his heir or personal representative or devisee

30. Where any court gives a judgment or makes an order directing the sale or mortgage of any land, every person who is entitled to or possessed of the land, or entitled to a contingent right therein \* \* \*

*Vesting order consequential on judgment*

for sale or  
mortgage of  
land.

\* \* \* \* 1 and is a party of the action or proceeding in which the judgment or order is given or made or is otherwise bound by the judgment or order shall be deemed to be so entitled or possessed as the case may be, as a trustee within the meaning of this Act and the High Court may if it thinks expedient, make an order vesting the land or any part thereof for such estate as that Court thinks fit in the purchaser or mortgagee or in any other person

Vesting  
order con-  
sequential  
on judgment  
for specific  
performance,  
etc.

31 Where a judgment is given for the specific performance of a contract concerning any land or for the partition or sale in lieu of partition or exchange of any land or generally where any judgment is given for the conveyance of any land either in cases arising out of the doctrine of election or otherwise the High Court may declare that any of the parties to the action are trustees of the land or any part thereof within the meaning of this Act or may declare that the interests of unborn persons who might claim under any party to the action or under the will or voluntary settlement of any person deceased who was during his lifetime a party to the contract or transactions concerning which the judgment is given are the interests of persons who on coming into existence would be trustees within the meaning of this Act, and thereupon the High Court may make a vesting order relating to the rights of those persons born and unborn, as if they had been trustees.

if of  
ing order

32 A vesting order under any of the foregoing provisions shall in the case of a vesting order consequential on the appointment of a new trustee have the same effect as if the persons who before the appointment were the trustees (if any) had duly executed all proper conveyances of the land for such estate as the High Court directs, or if there is no such person or no such person of full capacity then as if such person had existed and been of full capacity and had duly executed all proper conveyances of the land for such estate as the Court directs, and shall in every other case have the same effect as if the trustee or other person or description or class of persons to whose rights or supposed rights the said provisions respectively relate had been an ascertained and existing person of full capacity and had executed a conveyance or release to the effect intended by the order

Power to  
appoint  
person to  
convey

33 In all cases where a vesting order can be made under any of the foregoing provisions the High Court may if it is more convenient, appoint a person to convey the land or release the contingent right, and a conveyance or release by that person in conformity with the order shall have the same effect as an order under the appropriate provision.

Effect of  
vesting order  
as to copy  
hold.

34 (1) Where an order vesting copyhold land in any person is made under this Act with the consent of the lord or lady of the manor the land shall vest accordingly without surrender of admittance

(2) Where an order is made under this Act appointing any person to convey any copyhold land that person shall execute and do all assurances and things for completing the assurance of the land and the lord and lady of the

manor and every other person shall, subject to the customs of the manor and the usual payments, be bound to make admittance to the land and to do all other acts for completing the assurance thereof, as if the persons in whose place an appointment is made were free from disability and had executed and done those assurances and things

35. (1) In any of the following cases, namely —

- (i) Where the High Court appoints or has appointed a new trustee, and
- (ii) Where a trustee entitled alone or jointly with another person to stock or to a chose in action—
  - (a) is an infant, or
  - (b) is out of the jurisdiction of the High Court, or
  - (c) cannot be found ; or
  - (d) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action, according to the direction of the person absolutely entitled thereto for twenty-eight days next after a request in writing has been made to him by the person so entitled, or
  - (e) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action for twenty-eight days next after an order of the High Court for that purpose has been served on him , or
- (iii) Where it is uncertain whether a trustee entitled alone or jointly with another person to stock or to a chose in action is alive or dead,

Vesting orders as to stock and choses in action.

the High Court may make an order vesting the right to transfer or call for a transfer of stock, or to receive the dividends or income thereof, or to sue for or recover a chose in action, in any such person as the Court may appoint

Provided that—

- (a) Where the order is consequential on the appointment by the Court of a new trustee, the right shall be vested in the persons who, on the appointment, are the trustees, and
- (b) Where the person whose right is dealt with by the order was entitled jointly with another person, the right shall be vested in that last-mentioned person either alone or jointly with any other person whom the Court may appoint

(2) In all cases where a vesting order can be made under this section, the Court may, if it is more convenient, appoint some proper person to make or join in making the transfer.

(3) The person in whom the right to transfer or call for the transfer of any stock is vested by an order of the Court under this Act, may transfer the stock to himself or any other person, according to the order, and the Banks of England and Ireland and all other companies shall obey every order under this section according to its tenor.

(4) After notice in writing of an order under this section it shall not be lawful for the Bank of England or of Ireland or any other company to transfer any stock to which the order relates or to pay any dividends thereon except in accordance with the order

(5) The High Court may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised.

(6) The provisions of this Act as to vesting orders shall apply to shares in ships registered under the Acts relating to merchant shipping as if they were stock.

Persons  
entitled to  
apply for  
orders.

36 (1) An order under this Act for the appointment of a new trustee or concerning any land stock or chose in action subject to a trust, may be made on the application of any person beneficially interested in the land stock or chose in action whether under disability or not, or on the application of any person duly appointed trustee thereof

(2) An order under this Act concerning any land stock, or chose in action subject to mortgage may be made on the application of any person beneficially interested in the equity of redemption whether under disability or not or of any person interested in the money secured by the mortgage

Powers of  
new trustee  
appointed  
by Court.

37 Every trustee appointed by a court of competent jurisdiction shall, as well before as after the trust property becomes by law or by assurance or otherwise, vested in him have the same powers authorities and discretions and may in all respects act as if he had been originally appointed a trustee by the instrument, if any creating the trust

Power to  
charge costs  
on trust  
estate.

38 The High Court may order the costs and expenses of and incident to any application for an order appointing a new trustee or for a vesting order or of and incident to any such order or any conveyance or transfer in pursuance thereof to be paid or raised out of the land or personal estate in respect whereof the same is made or out of the income thereof or to be borne and paid in such manner and by such persons as to the court may seem just

Trustees of  
charities.

39 The powers conferred by this Act as to vesting orders may be exercised for vesting any land stock or chose in action in any trustee of a charity or society over which the High Court would have jurisdiction upon action duly instituted whether the appointment of the trustee was made by instrument under a power or by the High Court under its general or statutory jurisdiction

Orders made  
upon certain  
allegations  
to be con-  
clusive  
evidence

40 Where a vesting order is made as to any land under this Act or under the Lunacy Act, 1890 or under any Act relating to lunacy in Ireland founded on an allegation of the personal incapacity of a trustee or mortgagee or on an allegation that a trustee or the heir or personal representative or devisee of a mortgagee is out of the jurisdiction of the High Court or cannot be found or that it is uncertain which of several trustees or which of several devisees of a mortgagee was the survivor or whether the last trustee or the heir or personal representative or last surviving devisee of a mortgagee is living or dead or on an allegation that any trustee or mortgagee has died intestate without an heir or has died and it is not known who is his heir or

personal representative or devisee, the fact that the order has been so made shall be conclusive evidence of the matter so alleged in any court upon any question as to the validity of the order, but this section shall not prevent the High Court from directing a reconveyance or the payment of costs occasioned by any such order if improperly obtained

41 The powers of the High Court in England to make vesting orders under this Act shall extend to all land and personal estate in Her Majesty's dominions, except Scotland <sup>1</sup>

Application of vesting order to land out of England

### *Payment into Court by Trustees*

42 (1) Trustees or the majority of trustees, having in their hands or under their control money or securities belonging to a trust, may pay the same into the High Court and the same shall, subject to the rules of Court, be dealt with according to the orders of the High Court

Payment into Court by trustees.

(2) The receipt or certificate of the proper officer shall be a sufficient discharge to trustees for the money or securities so paid into Court

(3) Where any moneys or securities are vested in any persons as trustees, and the majority are desirous of paying the same into court, but the concurrence of the other or others cannot be obtained, the High Court may order the payment into court to be made by the majority without the concurrence of the other or others, and where any such moneys or securities are deposited with any banker, broker, or other depositary, the Court may order payment or delivery of the moneys or securities to the majority of the trustees for the purpose of payment into court, and every transfer, payment and delivery made in pursuance of any such order shall be valid and take effect as if the same had been made on the authority or by the act of all the persons entitled to the moneys and securities so transferred, paid, or delivered

43 Where in any action the High Court is satisfied that diligent search has been made for any person who, in the character of trustee, is made a defendant in any action, to serve him with a process of the Court, and that he cannot be found, the Court may hear and determine the action and give judgment therein against that person in his character of a trustee as if he had been duly served, or had entered an appearance in the action and had also appeared by his counsel and solicitor at the hearing, but without prejudice to any interest he may have in the matters in question in the action in any other character

Power to give judgment in absence of a trustee

44 (1) Where a trustee [or other person] <sup>2</sup> is for the time being authorised to dispose of land by way of sale, exchange, partition, or enfranchisement, the High Court may sanction his so disposing of the land with an exception or reservation of any minerals, and with or without rights and powers of or incidental to the working, getting, or carrying away of the minerals, or so disposing of the minerals, with or without the said rights or powers, separately from the residue of the land

Power to sanction sale of land or minerals separately

<sup>1</sup> Ext to Ireland by 57 & 58 Vict., c. 10, s. 2, *post*

<sup>2</sup> Added by 57 & 58 Vict., c. 10, s. 3, *post*



The expression 'possessed' applies to receipt of income of, and to any vested estate less than a life estate, legal or equitable, in possession or in expectancy in, any land

The expression 'property' includes real and personal property and any estate and interest in any property real or personal, and any debt and any thing in action and any other right or interest whether in possession or not

The expression 'rights' includes estates and interests

The expression 'securities' includes stocks, funds, and shares and so far as relates to payments into court has the same meaning as in the Court of Chancery (Funds) Act, 1872

35 & 36  
Vict. c. 1

The expression 'stock' includes fully paid up shares and, so far as relates to vesting orders made by the Court under this Act, includes any fund annuity or security transferable in books kept by any company or society or by instrument of transfer either alone or accompanied by other formalities, and any share or interest therein

The expression 'transfer' in relation to stock includes the performance and execution of every deed power of attorney act, and thing on the part of the transferor to effect and complete the title in the transferee

The expression 'trust' does not include the duties incident to an estate conveyed by way of mortgage but with this exception the expressions 'trust' and 'trustee' include implied and constructive trusts and cases where the trustee has a beneficial interest in the trust property and the duties incident to the office of personal representative of a deceased person

Extent of  
Act.  
Short title.

51 [Repeal. Rep (U K) 8 Edw 7 c. 49 (S L R.)]

52 This Act does not extend to Scotland.

53 This Act may be cited as the Trustee Act, 1893

Commence-  
ment.

54 This Act shall come into operation on the first day of January one thousand eight hundred and ninety four

**SCHEDULE**—[Enactments repealed Rep (U K) 8 Edw 7 c. 49 (S L R.)]

THE MADRAS AND BOMBAY ARMIES ACT 1893  
(56 & 57 Vict., c. 62)

An Act to amend the Law relating to the Madras and Bombay Armies  
[5th December 1893]

Abolition of  
office of

1 (1) The offices of Commander-in-Chief of the forces in the Presidencies of Madras and Bombay respectively and of military secretary to the

Repealed (U K), 8 Edw 7 c. 49 (S L R.)

government of each of those presidencies, are hereby abolished, and all things provincial  
 which by or under any act of Parliament are required or authorized to be Commander-  
 done by, to, or before any of the officers whose offices are hereby abolished, in-Chief in  
 India  
 shall or may be done by, to, or before such officer as the commander-in-  
 chief of the forces in India, with the approval of the Governor General of  
 India in Council, may appoint in that behalf, and the commander-in-chief  
 of the forces in India shall for the purposes of section one hundred and eighty  
 of the Army Act be deemed to be the commander-in-chief in each presidency  
 in India

(2) The military control and authority exerciseable by the governors in  
 council of the Presidencies of Madras and Bombay shall cease to be exercised  
 by those governors in council, and shall be exerciseable by the Governor  
 General of India in Council and all things which by or under the Army Act  
 are required or authorised to be done by, to, or before the governor in council  
 of the Presidency of Madras or of Bombay, shall or may be done by, to, or  
 before the Governor General of India in Council <sup>1</sup>

2 \* \* \* \* \*

2 [Repeal—Rep. (U K) 8 Edw. 7, c 49 (S L R),]

33 This Act shall come into operation at such date as the Governor Commence-  
 General of India in Council may by notification in the *Gazette of India* fix ment of Act  
 in that behalf

4 This Act may be cited as the Madras and Bombay Armies Act, 1893 Short title.

*SCHEDULE*—[Enactments repealed Rep (U K) 8 Edw 7, c 49 (S  
 L R) ]

THE EAST INDIA LOAN ACT, 1893 <sup>4</sup>  
 (56 & 57 Vict, c. 70)

*An Act to enable the Secretary of State in Council of India to raise Money in the  
 United Kingdom for the Service of the Government of India, and for other  
 purposes relating thereto*

[21st December, 1893]

\* \* \* \* \*

1 This Act may be cited as the East India Loan Act, 1893 Short title

2 In this Act the expression " Secretary of State " means the Secretary Definition  
 of State in Council of India, unless the context otherwise requires

<sup>1</sup> Expl by 59 & 60 Vict, c 2, s 4, which provides that, " for removing doubts, it is declared  
 that the things which may be done under or in pursuance of section 1 of the Madras and Bombay  
 Armies Act, 1893, may be done either within or without the presidencies of Madras and Bombay  
 respectively "

<sup>2</sup> Sub section was (3) repealed (U K.) by 8 Edw 7, c 49 (S L R.) Spent

<sup>3</sup> Repealed (U K) 8 Edw 7, c 49 (S L R.) The 1st of April, 1895, was notified as the  
 date fixed. See *Gazette of India*, 1894, Pt. I, p 583

<sup>4</sup> This Act may be cited, with eighteen others, as the East India Loans Acts, 1859 to 1893—see  
 the Short Titles Act, 1896 (59 & 60 Vict., c 14.), printed *post* certain provisions of the Act are  
 applied by 1 Edw 7, c 25, s 7, ss. 4-12, 14-17, 19, are incorporated with 10 Edw 7, c. 5, 8 Edw.  
 7, c 54, s 6, and 5, Edw 7, c 19, s. 5 See *post*

Power to the Secretary of State to raise any sum not exceeding 10 000 000L

3 It shall be lawful for the Secretary of State at any time or times, to raise in the United Kingdom for the service of the Government of India, any sum or sums of money not exceeding in the whole ten millions of pounds sterling such sum or sums to be raised by the creation and issue of bonds debentures bills, or capital stock bearing interest or partly by one of such modes, and partly by another or others.

Issue of bonds.

4 All bonds issued under the authority of this Act may be issued under the hands of two Members of the Council of India and countersigned by the Secretary of State for India or one of his under secretaries or his assistant under secretary and shall be for such respective amounts payable after such notice, and at such rate or rates of interest as the said Secretary of State may think fit

Signature of debentures and bills.

5 All debentures and bills to be issued by the Secretary of State under the authority of this or any previous Act of Parliament, instead of being signed by two Members of the Council of India and countersigned shall bear the name of one of the under secretaries of state for India for the time being and that name may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct

Issue of debentures.

6 All debentures issued under the authority of this Act may be issued for such respective amounts, and at such rate or rates of interest as the Secretary of State may think fit, and shall be issued at or for such prices, and on such terms, as may be determined by the Secretary of State

Payment of principal and interest on debentures.

7 All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively and the interest on all such debentures shall be paid on such days as shall be mentioned therein and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in London or at the Bank of England.

Transfer of debentures and coupons for interest.

8 The debentures issued under the authority of this Act and all right to and in respect of the principal and interest moneys secured thereby shall be transferable by the delivery of such debentures or at the discretion of the Secretary of State by deed provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery

Issue of bills.

9 All bills issued under the authority of this Act may be issued for such respective amounts as the Secretary of State may think fit and shall be issued at or for such prices, and on such terms, as may be determined by the Secretary of State

Description, currency of, and interest on bills.

10 A bill issued under the authority of this Act shall be a bill for the payment of the principal sum named therein at the date therein mentioned so that the date be not more than twelve months from the date of the bill and the principal sum secured by such bill shall be payable either at the treasury of the Secretary of State in London or at the Bank of England Interest shall be payable in respect of such bill at such rate and in such manner as the Secretary of State may determine.

11 Any capital stock created under the authority of this Act shall bear such rate of interest as the Secretary of State may think fit, and such capital stock may be issued on such terms as may be determined by the Secretary of State, and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State may prescribe previously to the issue of such capital stock

Creation of capital stock

12 In case of the creation and issue of any such capital stock there shall be kept, either at the office of the Secretary of State in London, or at the Bank of England, books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same, or any part thereof, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof, and no other mode of assigning or transferring the said capital stock or any part thereof, or any interest therein, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them

Transfer books of capital stocks

13 The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed ten millions of pounds sterling

Amount charged on revenues of India not to exceed 10,000,000

14 Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the amount so to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid

Power to raise money for payment of principal money

15 All bonds, debentures, and bills, issued under this Act, and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India

Securities to be charged on revenues of India

16 The provisions contained in section four of the Act fifth and sixth William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds, debentures, and bills to be issued by the Secretary of State under the authority of this or any previous Act, as if such provisions were here and there repeated and re-enacted with reference thereto.

Provisions as to composition for stamp duties on India bonds extended to bonds, debentures, and bills

17 All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing

Forgery of debentures,

bonds, and  
bills.

the same to be forged or altered any East India bond with intent to defraud shall extend and be applicable to and in respect of any bond debenture, or bill issued under the authority of this Act

Saving  
existing  
borrowing  
powers of  
Secretary  
of State,  
Stock  
created under  
this Act to  
be deemed  
India stock.  
Amendment  
of previous  
East India  
Loan Acts.

18 This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing thereof.

19 Any capital stock created under this Act shall be deemed to be India stock within the Act of the twenty-sixth and twenty-seventh Victoria chapter seventy three, anything in the said Act to the contrary notwithstanding

20 Notwithstanding anything to the contrary in the Acts thirty-sixth Victoria chapter thirty two fortieth and forty first Victoria, chapter fifty one, and forty-second and forty third Victoria, chapter sixty the whole or any part of the moneys which by those Acts respectively the Secretary of State is authorised to borrow may be raised by the creation of capital stock bearing interest as well as by any of the other means therein respectively mentioned

Application  
of Married  
Women's  
Property  
Act, 1882.

21 The expression public stocks and funds in section seven of the Married Women's Property Act 1882 shall as from the commencement of that Act be deemed to have included and shall include any capital stock issued by the Secretary of State under the authority of Act of Parliament and charged on the revenues of India.

# THE TRUSTEE ACT 1893 AMENDMENT ACT 1894

(57 & 58 Vict., c. 10)

*An Act to amend the Trustee Act 1893*

[18th June, 1894]

\* \* \* \* \*

Amendment  
of 56 & 57  
Vict., c. 53,  
s. 30.

1. In section thirty of the Trustee Act, 1893 the words as heir or under the will of a deceased person for payment of whose debts the judgment was given or order made shall be repealed.

Extension  
to Ireland of  
56 & 57  
Vict., c. 53,  
s. 41.

2 The powers conferred on the High Court in England by section forty one of the Trustee Act, 1893 to make vesting orders as to all land and personal estate in Her Majesty's dominions except Scotland are hereby also given to and may be exercised by the High Court in Ireland.

Amendment  
of 56 & 57  
Vict., c. 53,  
s. 44.

3 In section forty four of the Trustee Act, 1893 after the word "trustee" in the first two places where it occurs shall be inserted the words "or other person"

Liability of  
trustee in  
case of  
change of  
character of  
investment.  
Short title.

4 A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorised by the instrument of trust or by the general law

5 This Act may be cited as the Trustee Act, 1893 Amendment Act, 1894

THE INDIAN RAILWAYS ACT, 1894<sup>1</sup>

(57 &amp; 58 Vict., c. 12)

*An Act to enable Indian Railway Companies to pay Interest out of Capital during construction*

[3rd July, 1894]

\* \* \* \* \*

1 This Act may be cited as the Indian Railways Act, 1894

Short title.

2 The expression "the Secretary of State" means the Secretary of State in Council of India

Definitions

The expression "Indian Railway Company" means a company registered under the Companies Acts, 1862 to 1890, or any of them, and formed for the purpose of making and working, or making or working a railway in India, whether alone or in conjunction with other purposes

The expression "the railway" means the railway in relation to the construction of which interest out of capital is permitted to be paid as hereinafter provided.

3 An Indian Railway Company may pay interest on its paid-up share capital out of capital, for the period, and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the railway

Payment of interest out of capital

- (1) Such interest shall be paid only for such period as shall be determined by the Secretary of State, and such period shall in no case extend beyond the close of the half year next after the half year during which the railway shall be actually completed and opened for traffic
- (2) No such payment shall be made unless the same is authorised by the Company's memorandum of association or by special resolution of the Company
- (3) No such payment, whether authorised by the memorandum of association or by special resolution, shall be made without the previous sanction of the Secretary of State
- (4) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of four per cent per annum
- (5) No such payment of interest shall be made until such Company has satisfied the Secretary of State that two-thirds at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose executors, administrators, or assigns, are legally liable for the same

<sup>1</sup> Cf the Indian Railway Companies Act, 1895 (X of 1895) Printed General Acts, Vol IV

## THE MERCHANT SHIPPING ACT 1894

(57 &amp; 58 Vict. c. 60)

*An Act to consolidate enactments relating to Merchant Shipping*

[25th August 1894]

\* \* \* \*

## PART I

REGISTRY<sup>1</sup>*Qualification for owning British Ships*Qualification  
for owning  
British ships.

1 A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships) namely

- (a) Natural born British subjects
- (b) Persons naturalised by or in pursuance of an Act of Parliament of the United Kingdom or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession
- (c) Persons made denizens by letters of denization and
- (d) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions

Provided that any person who either—

- (i) being a natural born British subject has taken the oath of allegiance to a foreign sovereign or State or has otherwise become a citizen or subject of a foreign state or
- (ii) has been naturalised or made a denizen as aforesaid

shall not be qualified to be owner of a British ship unless after taking the said oath or becoming a citizen or subject of a foreign State or on or after being naturalised or made denizen as aforesaid he has taken the oath of allegiance to Her Majesty the Queen and is during the time he is owner of the ship either resident in Her Majesty's dominions or partner in a firm actually carrying on business in Her Majesty's dominions.

*Obligation to register British ships*Obligation to  
register  
British ships.

2 (1) Every British ship shall unless exempted from registry be registered under this Act.

(2) If a ship required by this Act to be registered is not registered under this Act, she shall not be recognised as a British ship

(3) A ship required by this Act to be registered may be detained until the master of the ship, if so required produces the certificate of the registry of the ship

<sup>1</sup> For fees to be paid in respect of the registration, transfer, transmission and mortgage of British ships, see 61 & 62 Vict. c. 41 s. 2.

- 3 The following ships are exempted from registry under this Act — Exemptions  
from registry
- (1) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident
  - (2) Ships not exceeding thirty tons burden, and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of Saint Lawrence, or on such portions of the coasts of Canada as lie bordering on that gulf

*Procedure for Registration.*

4. (1) The following persons shall be registrars of British ships —
- (a) At any port in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the chief officer of customs Registrars  
of British  
ships
  - (b) In Guernsey and Jersey, the chief officers of customs together with the governor
  - (c) In Malta and Gibraltar, the governor
  - (d) At Calcutta, Madras, and Bombay, the port officer
  - (e) At any other port<sup>1</sup> in any British possession approved by the governor of the possession for the registry of ships, the chief officer of customs, or, if there is no such officer there resident, the governor of the possession in which the port is situate, or any officer<sup>1</sup> appointed for the purpose by the governor
  - (f) At a port of registry established by Order in Council under this Act, persons of the description in that behalf declared by the Order

(2) Notwithstanding anything in this section Her Majesty may by Order in Council declare, with respect to any British possession named in the Order not being the Channel Islands or the Isle of Man, the description of persons who are to be registrars of British ships in that possession

(3) A registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act

5 Every registrar of British ships shall keep a book to be called the register book, and entries in that book shall be made in accordance with the following provisions — Register  
book

- (i) The property in a ship shall be divided into sixty-four shares
- (ii) Subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals

<sup>1</sup> For notification approving the port of Aden for the registry of ships and appointing the Resident of Aden as registrar, see Gazette of India, 1903, Part I, p. 519



Evidence on  
first registry

10 (1) On the first registry of a ship the following evidence shall be produced in addition to the declarations of ownership —

- (a) in the case of a British built ship a builder's certificate that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship as estimated by him and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built and if there has been any sale, the bill of sale under which the ship or a share therein, has become vested in the applicant for registry
- (b) in the case of a foreign built ship the same evidence as in the case of a British built ship unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him or that the builder's certificate cannot be procured in which case there shall be required only the bill of sale under which the ship or a share therein became vested in the applicant for registry
- (c) in the case of a ship condemned by any competent court an official copy of the condemnation

(2) The builder shall grant the certificate required by this section and such person as the Commissioners of Customs recognise as carrying on the business of the builder of a ship shall be included for the purposes of this section in the expression *builder of the ship*

(3) If the person granting a builder's certificate under this section willfully makes a false statement in that certificate he shall for each offence be liable to a fine not exceeding one hundred pounds.

Entry of  
particulars  
in register  
book.

11 As soon as the requirements of this Act preliminary to registry have been complied with the registrar shall enter in the register book the following particulars respecting the ship —

- (a) the name of the ship and the name of the port to which she belongs
- (b) the details comprised in the surveyor's certificate
- (c) the particulars respecting her origin stated in the declaration of ownership and
- (d) the name and description of her registered owner or owners and if there are more owners than one the proportions in which they are interested in her

Documents  
to be retained  
by registrar

12 On the registry of a ship the registrar shall retain in his possession the following documents namely the surveyor's certificate the builder's certificate any bill of sale of the ship previously made the copy of the condemnation (if any), and all declarations of ownership

Port of  
registry

13 The port at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs

*Certificate of Registry.*

14. On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, with the name of her master. Certificate of registry.

15. (1) The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, on, or in the ship. Custody of certificate

(2) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registry when in his possession or under his control to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery, any justice by warrant under his hand and seal, or any court capable of taking cognizance of the matter, may summon the person so refusing to appear before such justice or court, and to be examined touching such refusal, and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal, the offender shall be liable to a fine not exceeding one hundred pounds, but if it is shown to such justice or court that the certificate is lost, the person summoned shall be discharged, and the justice or court shall certify that the certificate of registry is lost

(3) If the person so refusing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit

16 If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall, in respect of each offence, be guilty of a misdemeanour, and the ship shall be subject to forfeiture under this Act. Penalty for use of improper certificate.

17. The registrar of the port of registry of a ship may, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof. Power to grant new certificate.

18 (1) In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate. Provision for loss of certificate.

(2) If the port (having a British registrar or consular officer) at which the ship is at the time of the event, or first arrives after the event—

(a) is not in the United Kingdom, where the ship is registered in the United Kingdom, or,

(b) is not in the British possession in which the ship is registered, or,

(c) where the ship is registered at a port of registry established by Order in Council under this Act, is not that port,

then the master of the ship or some other person having knowledge of the facts of the case shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the registrar or consular officer as the case may be shall thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom where she is registered in the United Kingdom or in the British possession in which she is registered or where she is registered at a port of registry established by Order in Council under this Act at that port be delivered up to the registrar of her port of registry and the registrar shall thereupon grant the new certificate of registry and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid he shall be liable to a fine not exceeding fifty pounds.

Endorsement  
of change  
of master on  
certificate.

19 Where the master of a registered British ship is changed each of the following persons, that is to say—

- (a) if the change is made in consequence of the sentence of a naval court the presiding officer of that court and
- (b) if the change is made in consequence of the removal of the master by a court under Part VI of this Act, the proper officer of that court and
- (c) if the change occurs from any other cause the registrar or if there is none, the British consular officer at the port where the change occurs,

shall endorse and sign on the certificate of registry a memorandum of the change and shall forthwith report the change to the Registrar General of Shipping and Seamen and any officer of customs at any port in Her Majesty's dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master

Endorsement  
of change of  
ownership on  
certificate.

20 (1) Whenever a change occurs in the registered ownership of a ship the change of ownership shall be endorsed on her certificate of registry either by the registrar of the ship's port of registry or by the registrar of any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registry

(2) The master shall for the purpose of such endorsement by the registrar of the ship's port of registry deliver the certificate of registry to the registrar forthwith after the change if the change occurs when the ship is at her port of registry and if it occurs during her absence from that port and the endorsement under this section is not made before her return then upon her first return to that port

(3) The registrar of any port not being the ship's port of registry who is required to make an endorsement under this section may for that purpose

require the master of the ship to deliver to him the ship's certificate of registry, so that the ship be not thereby detained, and the master shall deliver the same accordingly.

(1) If the master fails to deliver to the registrar the certificate of registry as required by this section he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

<sup>1</sup>21 (1) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, to be a British ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry and that registrar shall make an entry thereof in the register book <sup>2</sup>[and the registry of the ship in that book shall be construed as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein]

Delivery up of certificate of ship lost or ceasing to be British-owned

(2) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the registrar, or, if there is none, to the British consular officer there, and the registrar if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry

(3) If any such owner or master fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds

22 (1) If at a port not within Her Majesty's dominions and not being a port of registry established by Order in Council under this Act, a ship becomes the property of persons qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating .—

Provisional certificate for ships becoming British-owned abroad.

- (a) the name of the ship,
- (b) the time and place of her purchase, and the names of her purchasers,
- (c) the name of her master, and
- (d) the best particulars respecting her tonnage, build, and description which he is able to obtain,

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar-General of Shipping and Seamen

(2) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from its date, or until the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

<sup>1</sup> See 6 Edw 7, c 48, s 52 (2)

<sup>2</sup> Added by 6 Edw 7, c 48, s 52 (1)

Temporary  
passes in lieu  
of certificates  
of registry

23 Where it appears to the Commissioners of Customs, or to the governor of a British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered from any port in Her Majesty's dominions to any other port within Her Majesty's dominions, the Commissioners or the governor may grant a pass accordingly and that pass shall for the time and within the limits therein mentioned, have the same effect as a certificate of registry

### *Transfers and Transmissions*

Transfer  
of ships or  
shares.

24 (1) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale.

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar and shall be in the form marked A in the first part of the First Schedule to this Act or as near thereto as circumstances permit, and shall be executed by the transferor or in the presence of and be attested by a witness or witnesses

Declaration  
transfer.

25 Where a registered ship or a share therein is transferred the transferee shall not be entitled to be registered as owner thereof until he or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship and containing—

- (a) a statement of the qualification of the transferee to own a British ship or if the transferee is a corporation of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship and
- (b) a declaration that, to the best of his knowledge and belief no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein

Registry of  
transfer

26 (1) Every bill of sale for the transfer of a registered ship or of a share therein when duly executed shall be produced to the registrar of her port of registry with the declaration of transfer and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share and shall endorse on the bill of sale the fact of that entry having been made with the day and hour thereof

(2) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar

Trans-  
mission of  
property  
in ship on  
death,  
bankruptcy  
marriage,  
etc.

27 (1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage death or bankruptcy of any registered owner or by any lawful means other than by a transfer under this Act —

- (a) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of trans

mission) identifying the ship and containing the several statements hereinbefore required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted

- (b) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner
- (c) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy
- (d) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom

(2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person

28 (1) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise to a person not qualified to own a British ship, then—

Order for sale on transmission to unqualified person

- if the ship is registered in England or Ireland, the High Court, or
- if the ship is registered in Scotland, the Court of Session, or
- if the ship is registered in any British possession, the court having the principal civil jurisdiction in that possession, or
- if the ship is registered in a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there,

may on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

(2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires

(3) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or

Temporary  
passes in lieu  
of certificates  
of registry

23 Where it appears to the Commissioners of Customs, or to the governor of a British possession that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass without being previously registered from any port in Her Majesty's dominions to any other port within Her Majesty's dominions the Commissioners or the governor may grant a pass accordingly and that pass shall for the time and within the limits therein mentioned, have the same effect as a certificate of registry

### Transfers and Transmissions

Transfer  
of ships or  
shares.

24 (1) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of the registrar and shall be in the form marked A in the first part of the First Schedule to this Act or as near thereto as circumstances permit and shall be executed by the transfer or in the presence of and be attested by a witness or witnesses.

Declaration  
of transfer.

25 Where a registered ship or a share therein is transferred the transferee shall not be entitled to be registered as owner thereof until he or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship and containing—

- (a) a statement of the qualification of the transferee to own a British ship or if the transferee is a corporation of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship and
- (b) a declaration that to the best of his knowledge and belief no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Registry of  
transfer

26 (1) Every bill of sale for the transfer of a registered ship or of a share therein when duly executed shall be produced to the registrar of her port of registry with the declaration of transfer and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share and shall endorse on the bill of sale the fact of that entry having been made with the day and hour thereof.

(2) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar

Trans-  
mission of  
property  
in ship on  
death,  
bankruptcy  
marriage,  
etc.

27 (1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage death or bankruptcy of any registered owner or by any lawful means other than by a transfer under this Act —

- (a) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of trans

mission) identifying the ship and containing the several statements heretofore required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.

- (b) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner.
- (c) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.
- (d) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

(2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

28 (1) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise to a person not qualified to own a British ship, then—

Order for  
sale on trans-  
mission to  
unqualified  
person

- if the ship is registered in England or Ireland, the High Court, or
- if the ship is registered in Scotland, the Court of Session, or
- if the ship is registered in any British possession, the court having the principal civil jurisdiction in that possession, or
- if the ship is registered in a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there,

may on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

(2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or



within such further time (not exceeding in the whole one year from the date of the occurrence) as the court allow

(4) If such an application is not made within the time aforesaid, or if the Court refuse an order for sale the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

Transfer of  
ship or sale  
by order of  
court.

29 Where any court whether under the preceding sections of this Act or otherwise, order the sale of any ship or share thereon, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof, and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner

Power of  
court to  
prohibit  
transfer.

30 Each of the following courts, namely —

- (a) in England or Ireland the High Court
- (b) in Scotland the Court of Session
- (c) in any British possession the court having the principal civil jurisdiction in that possession and
- (d) in the case of a port of registry established by Order in Council under this Act the British court having the principal civil jurisdiction there

may if the court think fit (without prejudice to the exercise of any other power of the court) on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein and the court may make the order on any terms or conditions they think just or may refuse to make the order or may discharge the order when made, with or without costs and generally may act in the case as the justice of the case requires and every registrar without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same

### Mortgages

Mortgage  
of ship or  
share.

31 (1) A registered ship or a share thereon may be made a security for a loan or other valuable consideration and the instrument creating the security (in this Act called a mortgage) shall be in the form marked B in the first part of the First Schedule to this Act or as near thereto as circumstances permit, and on the production of such instrument the registrar of the ship's port of registry shall record it in the register book.

(2) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him stating the day and hour of that record.

Entry of  
discharge of  
mortgage.

32 Where a registered mortgage is discharged, the registrar shall on the production of the mortgage deed with a receipt for the mortgage money endorsed thereon duly signed and attested, make an entry in the register

book to the effect that the mortgage has been discharged, and on that entry being made the estate (if any) which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any,) it would have vested if the mortgage had not been made

33 If there are more mortgages than one registered in respect of the same ship, or share, the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority, one over the other, according to the date at which each mortgage is recorded in the register book, and not according to the date of each mortgage itself Priority of mortgages

34 Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof. Mortgagee not treated as owner

35. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money, but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee Mortgagee to have power of sale

36 A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf Mortgagee not affected by bankruptcy

37 A registered mortgage of a ship or share may be transferred to any person, and the instrument effecting the transfer shall be in the form marked C in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument, the registrar shall record it by entering in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him, stating the day and hour of the record. Transfer of mortgages

38 (1) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death, or bankruptcy, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, containing a statement of the manner in which and the person to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share Transmission of interest in mortgage by death, bankruptcy, marriage, etc

(2) The registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

*Certificates of Mortgage and Sale*

Powers of mortgage and sale may be conferred by certificate.

Requisites for certificates of mortgage and sale.

39 A registered owner if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of registry of the ship is situate may apply to the registrar and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale

40 Before a certificate of mortgage or sale is granted the applicant shall state to the registrar and the registrar shall enter in the register book the following particulars (that is to say)

(i) the name of the person by whom the power mentioned in the certificate is to be exercised and in the case of a mortgage the maximum amount of charge to be created if it is intended to fix any such maximum and in the case of a sale the minimum price at which a sale is to be made if it is intended to fix any such minimum

(ii) the place where the power is to be exercised or if no place is specified a declaration that it may be exercised anywhere subject to the provisions of this Act

(iii) the limit of time within which the power may be exercised.

Restrictions certificates of mortgage and sale.

41 A certificate of mortgage or sale shall not be granted so as to authorise any mortgage or sale to be made—

If the port of registry of the ship is situate in the United Kingdom at any place within the United Kingdom or

If the port of registry is situate within a British possession at any place within the same British possession or

If the port of registry is established by Order in Council under this Act at that port, or within such adjoining area as is specified in the order or

By any person not named in the certificate.

Contents of certificates of mortgage and sale.

42 A certificate of mortgage and a certificate of sale shall contain a statement of the several particulars by this Act directed to be entered in the register book on the application for the certificate and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given

Rules as to certificates of mortgage.

43 The following rules shall be observed as to certificates of mortgage —

(1) The power shall be exercised in conformity with the directions contained in the certificate

(2) Every mortgage made thereunder shall be registered by the endorsement of a record thereof on the certificate by a registrar or British consular officer

(3) A mortgage made in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage

- (4) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given
- (5) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book, and, if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate and not according to the date of the mortgage
- (6) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate
- (7) The discharge of any mortgage so registered on the certificate may be endorsed on the certificate by any registrar or British consular officer, on the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book, and on that endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any,) have vested, if the mortgage had not been made
- (8) On the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the register book, and every certificate so cancelled shall be void to all intents

44. The following rules shall be observed as to certificates of sale —

Rules as to  
certificates  
of sale

- (1) A certificate of sale shall not be granted except for the sale of an entire ship
- (2) The power shall be exercised in conformity with the directions contained in the certificate
- (3) A sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of such sale
- (4) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a

purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given

- (5) A transfer made to a person qualified to be the owner of a British ship shall be by a bill of sale in accordance with this Act
- (6) If the ship is sold to a person qualified to be the owner of a British ship the ship shall be registered anew but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book
- (7) Before registry anew there shall be produced to the registrar required to make the same bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship
- (8) The last-mentioned registrar shall retain the certificates of sale and registry and after having endorsed on both of those instruments an entry of the fact of a sale having taken place shall forward them to the registrar of the port appearing thereon to be the former port of registry of the ship and the last-mentioned registrar shall thereupon make a memorandum of the sale in his register book and the registry of the ship in that book shall be considered as closed except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein
- (9) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book without her being re-surveyed and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee
- (10) <sup>1</sup> If the ship is sold to a person not qualified to be the owner of a British ship the bill of sale by which the ship is transferred the certificate of sale and the certificate of registry shall be produced to a registrar or British consular officer and that registrar or officer shall retain the certificates of sale and registry and having endorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a British ship shall forward the certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of that ship and that registrar shall thereupon make a memorandum of the sale in his register book and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein
- (11) If on a sale being made to a person not qualified to be the owner of a British ship default is made in the production of such certi

ificates as are mentioned in the last rule, that person shall be considered by British law as having acquired no title to or interest in the ship : and further, the person upon whose application the certificate of sale was granted, and the person exercising the power, shall each be liable to a fine not exceeding one hundred pounds.

- (12) If no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the registrar by whom the same was granted, and he shall thereupon cancel it and enter the fact of the cancellation in the register book ; and every certificate so cancelled shall be void for all intents and purposes.

45 On proof at any time to the satisfaction of the Commissioners of Customs that a certificate of mortgage or sale is lost or destroyed, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done thereunder, the registrar may, with the sanction of the Commissioners, as circumstances require, either issue a new certificate, or direct such entries to be made in the register books, or such other things to be done, as might have been made or done if the loss, destruction, or obliteration had not taken place

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

46 (1) The registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorise the registrar by whom the certificate was granted to give notice to the registrar or British consular officer at every such place that the certificate is revoked

Revocation of certificates of mortgage and sale

(2) Notice shall thereupon be given accordingly and shall be recorded by the registrar or British consular officer receiving it, and after it is recorded, the certificate shall be deemed to be revoked and of no effect so far as respects any mortgage or sale to be thereafter made at that place

(3) The notice after it has been recorded shall be exhibited to every person applying for the purpose of effecting or obtaining a mortgage or transfer under the certificate

(4) A registrar or British consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place

### *Name of ship*

47 (1) A ship shall not be described by any name other than that by which she is for the time being registered

Rules as to name of ship

(2) A change shall not be made in the name of a ship without the previous written permission of the Board of Trade

(3) Application for that permission shall be in writing, and if the Board are of opinion that the application is reasonable, they may entertain it, and

thereupon require notice thereof to be published in such form and manner as they think fit

(4) On permission being granted to change the name the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.

(5) If it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without their permission they shall direct that her name be altered into that which she bore before the change and the name shall be altered in the register book in the ship's certificate of registry and on her bows and stern accordingly.

(6) Where a ship having once been registered has ceased to be so registered no person unless ignorant of the previous registry (proof whereof shall lie on him) shall apply to register and no registrar shall knowingly register the ship except by the name by which she was previously registered unless with the previous written permission of the Board of Trade.

(7) Where a foreign ship not having at any previous time been registered as a British ship becomes a British ship no person shall apply to register, and no registrar shall knowingly register the ship except by the name which she bore as a foreign ship immediately before becoming a British ship unless with the previous written permission of the Board of Trade.

(8) If any person acts or suffers any person under his control to act, in contravention of this section, or omits to do or suffers any person under his control to omit to do anything required by this section he shall for each offence be liable to a fine not exceeding one hundred pounds, and (except in the case of an application being made under the section with respect to a foreign ship which not having at any previous time been registered as a British ship has become a British ship) the ship may be detained until this section is complied with.

#### *Registry of Alterations Registry anew and Transfer of Registry*

Registry of  
alterations.

48 (1) Where a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book then if the alteration is made at any port having a registrar that registrar or if it is made elsewhere the registrar of the first port having a registrar at which the ship arrives after the alteration shall on application being made to him and on receipt of a certificate from the proper surveyor stating the particulars of the alteration either cause the alteration to be registered or direct that the ship be registered anew.

<sup>1</sup>[(2) If default is made in registering anew a ship or in registering an alteration of a ship so altered as aforesaid the owner of the ship shall be liable on summary conviction to a fine not exceeding one hundred pounds and in addi-

<sup>1</sup> Substituted by G.L.W. " 48 s. 53, the old sub-section (1) being repealed &c. R.I. s. 83, Sch. II.

tion to a fine, not exceeding five pounds for every day during which the offence continues after conviction.]

49. (1) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of the alteration

Regulations  
for registry  
of alteration.

(2) The particulars of the alteration so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his register book, and for that purpose the registrar to whom the application for the registry of the alteration has been made (if he is not the registrar of the ship's port of registry), shall forthwith report to the last-mentioned registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

50 (1) Where any registrar, not being the registrar of the ship's port of registry, on an application as to an alteration in a ship directs the ship to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate

Provisional  
certificate  
and endorse-  
ment where  
ship is to be  
registered  
anew

(2) Every such provisional certificate, or certificate provisionally endorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom if she is registered in the United Kingdom, or, if she is registered in a British possession, at her port of discharge in that British possession, or, if she is registered at a port of registry established by Order in Council under this Act, at that port, be delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew

(3) The registrar granting a provisional certificate under this section, or provisionally endorsing a certificate, shall add to the certificate or endorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the registrar of the ship's port of registry, containing a similar statement as the certificate or endorsement

51 Where the ownership of any ship is changed, the registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew, although registration anew is not required under this Act

Registry  
anew on  
change of  
ownership

52 (1) Where a ship is to be registered anew, the registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof

Procedure  
for registry  
anew

(2) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon but the names of all persons



appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register and the registry anew shall not in any way affect the rights of any of those persons

Transfer of  
registry

53 (1) The registry of any ship may be transferred from one port to another on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees but that transfer shall not in any way affect the rights of those persons or any of them and those rights shall in all respects continue in the same manner as if no such transfer had been effected

(2) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship and the names of all persons appearing on the register to be interested therein as owners or mortgagees

(3) The ship's certificate of registry shall be delivered up to the registrar either of the existing or intended port of registry and if delivered up to the former shall be transmitted to the registrar of the intended port of registry

(4) On the receipt of the above documents the registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid and grant a fresh certificate of registry and thenceforth such ship shall be considered as registered at the new port of registry and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern

Restrictions  
on re-regis-  
tration of  
abandoned  
ships.

54 Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship the ship shall not be re-registered until she has at the expense of the applicant for registration, been surveyed by a surveyor of ships and certified by him to be seaworthy

#### *Incapacitated Persons*

Provision  
for cases of  
infancy or  
other in-  
capacity

55 (1) Where by reason of infancy lunacy or any other cause any person interested in any ship or any share therein is incapable of making any declaration or doing anything required or permitted by this Act to be made or done in connection with the registry of the ship or share the guardian or committee if any of that person or if there is none any person appointed on application made on behalf of the incapable person or of any other person interested by any court or judge having jurisdiction in respect of the property of incapable persons may make such declaration or a declaration as nearly corresponding thereto as circumstances permit and do such act or thing in the name and on behalf of the incapable person and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted

(2) The Trustee Act 1890 and the Acts amending the same shall so far as regards the court exercising jurisdiction in lunacy in Ireland apply

to shares in ships registered under this Act as if they were stock as defined by that Act

### *Trusts and Equitable Rights*

56 No notice of any trust, express, implied, or constructive, shall be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose in manner in this Act provided of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration

Notice of trusts not received

57 The expression "beneficial interest," where used in this Part of this Act, includes interests arising under contract and other equitable interests, and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, interest arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

Equities not excluded by Act

### *Liability of Beneficial Owner*

58 Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them

Liability of owners

### *Managing Owner*

59 (1) The name and address of the managing owner for the time being of every ship registered at a port in the United Kingdom shall be registered at the custom house of that port

Ship's managing owner or manager to be registered

(2) Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as if he were the managing owner

(3) If default is made in complying with this section the owner shall be liable, or if there are more owners than one, each owner shall be liable in pro-

portion to his interest in the ship, to a fine not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom

### *Declarations Inspection of Register and Fees*

Power of registrar to dispense with declarations and other evidence.

60 When under this part of this Act any person is required to make a declaration on behalf of himself or of any corporation or any evidence is required to be produced to the registrar and it is shown to the satisfaction of the registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced the registrar may with the approval of the Commissioners of Customs and on the production of such other evidence, and subject to such terms as they may think fit, dispense with the declaration or evidence

Mode of making declarations.

61 (1) Declarations required by this Part of this Act shall be made before a registrar of British ships or a justice of the peace or a commissioner for oaths, or a British consular officer

(2) Declarations required by this Part of this Act may be made on behalf of a corporation by the secretary or any other officer of the corporation authorised by them for the purpose.

Application of fees.

62 All fees authorised to be taken under this Part of this Act, shall, except where otherwise in this Act provided, if taken in any part of the United Kingdom be applied in payment of the general expenses of carrying into effect this Part of this Act or otherwise as the Treasury may direct if taken in a British possession be disposed of in such way as the Executive Government of the possession direct and if taken at any port of registry established by Order in Council under this Act be disposed of as Her Majesty in Council directs.

### *Returns Evidence, and Forms*

Returns to be made by registrars.

63 (1) Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar at such time as may be fixed by the Registrar-General of Shipping and Seamen transmit to him a full return in such form as the said Registrar General may direct, of all registries transfers transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar and of the names of the persons concerned in the same and of such other particulars as may be directed by the said Registrar General

(2) Every registrar at a port in the United Kingdom shall on or before the first day of February and the first day of August in every year transmit to the Registrar-General of Shipping and Seamen a list of all ships registered at that port and also of all ships whose registers have been transferred or cancelled at that port since the last preceding return

Evidence of register book certificate of registry and other documents.

64 (1) A person on payment of a fee not exceeding one shilling to be fixed by the Commissioners of Customs may on application to the registrar at a reasonable time during the hours of his official attendance inspect any register book

(2) The following documents shall be admissible in evidence in manner provided by this Act, namely,—

- (a) Any register book under this Part of this Act on its production from the custody of the registrar or other person having the lawful custody thereof,
- (b) A certificate of registry under this Act purporting to be signed by the registrar or other proper officer,
- (c) An endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer,
- (d) Every declaration made in pursuance of this Part of this Act in respect of a British ship

(3) A copy or transcript of the register of British ships kept by the Registrar-General of Shipping and Seamen under the direction of the Board of Trade shall be admissible in evidence in manner provided by this Act, and have the same effect to all intents as the original register of which it is a copy or transcript

65 (1) The several instruments and documents specified in the second part of the First Schedule to this Act shall be in the form prescribed by the Commissioners of Customs, with the consent of the Board of Trade, or as near thereto as circumstances permit, and the Commissioners of Customs may, with the consent of the Board of Trade, make such alterations in the forms so prescribed and also in the forms set out in the first part of the said Schedule, as they may deem requisite

Forms of documents, and instructions as to registry

(2) A registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or share, or any interest therein, which is made in any form other than that for the time being required under this Part of this Act, or which contains any particulars other than those contained in such form, but the said Commissioners shall, before altering the forms, give such public notice thereof as may be necessary in order to prevent inconvenience

(3) The Commissioners of Customs shall cause the said forms to be supplied to all registrars under this Act for distribution to persons requiring to use the same, either free of charge, or at such moderate prices as they may direct

(4) The Commissioners of Customs, with the consent of the Board of Trade, may also, for carrying into effect this Part of this Act, give such instructions to their officers as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Part of this Act, as they think fit.

*Forgery and false Declarations*

Forgery of documents.

66 If any person forges or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any of the following documents namely any register book, builder's certificate surveyor's certificate certificate of registry declaration bill of sale instrument of mortgage or certificate of mortgage or sale under this Part of this Act, or any entry or endorsement required by this Part of this Act to be made in or on any of those documents that person shall in respect of each offence be guilty of felony

False declarations.

67 (1) If any person in the case of any declaration made in the presence of or produced to a registrar under this Part of this Act or in any document or other evidence produced to such registrar—

- (i) wilfully makes or assists in making or procures to be made any false statement concerning the title to or ownership of or the interest existing in any ship or any share in a ship or
- (ii) utters produces or makes use of any declaration, or document containing any such false statement knowing the same to be false he shall in respect of each offence be guilty of a misdemeanour

(2) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein he shall for each offence be guilty of a misdemeanour and that ship or share shall be subject to forfeiture under this Act to the extent of the interest therein of the declarant, and also unless it is proved that the declaration was made without authority of any person or corporation on behalf of whom the declaration is made

*National Character and Flag*

National character of ship to be declared before clearance.

68 (1) An officer of customs shall not grant a clearance or transire for any ship until the master of such ship has declared to that officer the name of the nation to which he claims that she belongs and that officer shall thereupon inscribe that name on the clearance or transire

(2) If a ship attempts to proceed to sea without such clearance or transire she may be detained until the declaration is made

Penalty for unduly assuming British character

69 (1) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship for the purpose of making the ship appear to be a British ship the ship shall be subject to forfeiture under this Act unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right

(2) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same

70 If the master or owner of a British ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by British law to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act, and the master, if he commits or is privy to the commission of the offence, shall in respect of each offence be guilty of a misdemeanour

Penalty for concealment of British assumption of foreign character

71 If an unqualified person acquires as owner otherwise than by such transmission as hereinbefore provided for, any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, that interest shall be subject to forfeiture under this Act

Penalty for acquiring ownership if unqualified

72 Where it is declared by this Act that a British ship shall not be recognised as a British ship, that ship shall not be entitled to any benefits, privileges advantages, or protection usually enjoyed by British ships, nor to use the British flag or assume the British national character, but so far as regards the payment of dues, the liability to fines and forfeiture and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised British ship

Liabilities of ships not recognised as British

73 (1) The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

National colours for ships, and penalty on carrying improper colours

(2) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject without warrant from Her Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding five hundred pounds

(3) Any commissioned officer on full pay in the military or naval service of Her Majesty, or any officer of customs in Her Majesty's dominions, or any British consular officer, may board any ship or boat on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty

(4) A fine under this section may be recovered with costs in the High Court in England or Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within Her Majesty's dominions

Allowance  
for engine  
room space  
in steam  
ships.

78 <sup>1</sup>(1) In the case of any ship propelled by steam or other power requiring engine room an allowance shall be made for the space occupied by the propelling power and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned and the remainder shall (subject to any deductions hereinafter mentioned) be deemed to be the register tonnage of the ship and that deduction shall be estimated as follows (that is to say)

(a) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boiler and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship the deduction shall be thirty-seven one-hundredths of the gross tonnage and in ships propelled by screws in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of the gross tonnage the deduction shall be thirty two one-hundredths of the gross tonnage

(b) As regards all other ships the deduction shall, if the Board of Trade and the owner both agree thereto be estimated in the same manner but either they or he may in their or his discretion require the space to be measured and the deduction estimated accordingly and whenever the measurement is so required the deduction shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the boilers and machinery with the addition in the case of ships propelled by paddle wheels of one-half, and in the case of ships propelled by screws of three-fourths of the tonnage of the space and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space and the measurement of the space shall be governed by Rule III in the Second Schedule to this Act

(2) Such portion of the space above the crown of the engine-room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power except in pursuance of a request in writing to the Board of Trade by the owner of the ship but shall not be included in pursuance of that request unless—

(a) that portion is first included in the measurement of the gross tonnage and

(b) a surveyor of ships certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship

(3) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any ship, the master and owner of the ship shall each be liable to a fine not exceeding one hundred pounds

79. (1) In measuring or re-measuring a ship for the purpose of ascer- Deductions  
for ascer-  
taining  
tonnage  
taining her register tonnage the following deductions shall be made from  
the space included in the measurement of the tonnage, namely —

(a) in the case of any ship,

- (i) any space used exclusively for the accommodation of the master, and any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations scheduled to this Act with regard thereto,
- (ii) any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores, and
- (iii) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship, and
- <sup>1</sup>(iv) any space (other than a double bottom) adopted only for water ballast, and

(b) in the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails

(2) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions, namely

- (a) the space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended,
- (b) there must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship,
- (c) the deduction on account of space for storage of sails must not exceed two and a half per cent of the tonnage of the ship

80. In the case of a screw steamship which, on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, had an engine-room allowance of thirty-two per cent of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Board of Trade, be measured and its contents ascertained and added to the register tonnage of the ship, and if it appears that with that addition to the tonnage

*Provisions as to deductions in case of certain steamships.*

<sup>1</sup> Added by 6 Edw 7, c 48, s 54 (1)



the engine-room does not occupy more than thirteen per cent. of the tonnage of the ship the existing allowance for engine-room of thirty two per cent. of the tonnage shall be continued.

Measurement  
of ships with  
double  
bottoms for  
water ballast.

81 In the case of a ship constructed with a double bottom for water ballast if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo stores, or fuel then the depth required by the provisions of Rule I relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber referred to in that Rule.

Tonnage once  
ascertained  
to be the  
tonnage of  
ship.

82 Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall thenceforth be deemed to be the tonnage of the ship and shall be repeated in every subsequent registry thereof unless any alteration is made in the form or capacity of the ship or unless it is discovered that the tonnage of the ship has been erroneously computed and in either of those cases the ship shall be re-measured, and her tonnage determined and registered according to the tonnage regulations of this Act.

Fees for  
measurement.

83 Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those specified in the Third Schedule to this Act, and those fees shall be paid into the Mercantile Marine Fund.

Tonnage of  
ships of for  
foreign countries  
adopting  
tonnage  
regulations.

84 (1) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country and are in force there Her Majesty in Council may order that the ships of that country shall without being re-measured in Her Majesty's dominions be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner to the same extent and for the same purposes as the tonnage denoted in the certificate of registry of a British ship is deemed to be the tonnage of that ship<sup>1</sup> and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage on account of being occupied by seamen or apprentices and appropriated to their use shall be deemed to have been certified under this Act and to comply with the provisions of this Act which apply to such a space in the case of British ships unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a British ship and if any question arises whether the construction and the equipment of the ship so come up to the required standard a surveyor of ships may inspect the ship for purpose of determining whether such a certificate should be given by him or not ]

(2) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty may deem expedient, and the operation of the Order shall be limited and modified accordingly.

(3) If it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be re-measured in accordance with this Act

85. (1) If any ship, British or foreign, other than a home-trade ship as defined by this Act, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by those goods at the time at which the dues become payable

Space occupied by deck cargo to be liable to dues

(2) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods

(3) The tonnage of the space shall be ascertained by an officer of the Board of Trade or of Customs in manner directed as to the measurement of poops or other closed-in spaces by Rule I in the Second Schedule to this Act, and when so ascertained shall be entered by him in the ship's official log book and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

(4) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, or to deck cargo carried by a ship while engaged in the coasting trade of any British possession

86. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade

Surveyors and regulations for measurement of ships

87. Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement,

Levy of tonnage rates under local Acts on the registered tonnage

*Ports of Registry in Place under Foreign Jurisdiction Act*Foreign  
ports of  
registry

88 Where, in accordance with the Foreign Jurisdiction Act, 1890 Her Majesty exercises jurisdiction within any port it shall be lawful for Her Majesty by Order in Council to declare that port a port of registry and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships at that port of registry and to make regulations with respect to the registry of British ships thereat

*Registry in Colonies*Powers of  
Governors  
in colonies

89 In every British possession the governor of the possession shall occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in that possession and shall have power to approve a port within the possession for the registry of ships

Terminable  
certificates  
registry  
small  
ships in  
colonies

90 (1) The Governor of a British possession may with the approval of a Secretary of State, make regulations providing that, on an application for the registry under this Act in that possession of any ship which does not exceed sixty tons burden, the registrar may grant in lieu of a certificate of registry as required by this Act a certificate of registry to be terminable at the end of six months or any longer period from the granting thereof and all certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations provide.

(2) Any ship to which a certificate is granted under any such regulations shall, while that certificate is in force and in relation to all things done or omitted during that period, be deemed to be a registered British ship

*Application of Part I*Application  
of Part I

91 This Part of this Act shall apply to the whole of Her Majesty's dominions and to all places where Her Majesty has jurisdiction

PART II<sup>1</sup>

## MASTERS AND SEAMEN

*Certificates of Competency*Certificates  
of com-  
petency to  
be held by  
officers of  
ships

92 (1) Every British foreign-going ship and every British home-trade passenger ship when going to sea from any place in the United Kingdom and every foreign steamship carrying passengers between places in the United Kingdom shall be provided with officers duly certificated under this Act according to the following scale —

(a) In any case with a duly certificated master

<sup>1</sup> See 6 Edw. VII c 49 s 42 (3).

<sup>1</sup>(b) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of,

- (i) mate in the case of a home-trade passenger ship .
- (ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden , and
- (iii) only mate in the case of any other foreign-going ship ;

(c) If the ship is a foreign-going ship, and carries more than one mate with at least the first and second mate duly certificated

(d) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated

(e) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home-trade passenger steamship with at least one engineer who is a first-class or second-class engineer duly certificated

(2) If any person—

- (a) having been engaged as one of the above mentioned officers goes to sea as such officer without being duly certificated , or
- (b) employs a person as an officer, in contravention of this section without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine not exceeding fifty pounds

(3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade

93. (1) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades , that is to say,

Grades of  
certificates  
of com-  
petency

Master of a foreign-going ship ,  
Firstmate of a foreign-going ship ;  
Second mate of a foreign-going ship ,  
Only mate of a foreign-going ship ,  
Master of a home-trade passenger ship ,  
Mate of a home-trade passenger ship ;  
First-class engineer ,  
Second-class engineer.

(2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home-trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the

<sup>1</sup> Substituted by 6 Edw 7, c. 48, s 56, the old paragraph (b) being repealed See *ibid*, s 85, Sch II

corresponding grade in the last mentioned ship but a certificate for a home-trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign going ship

Examinations  
for certificates  
of competency

94 (1) For the purpose of granting certificates of competency as masters or mates to persons desirous of obtaining the same examinations shall be held by Local Marine Boards at their respective ports.

(2) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—

(a) the conduct of the examinations and

(b) the qualification of the applicants,

and may depute any of their officers to attend and assist at any examination.

(3) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners and an examiner shall not be appointed, unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade

(4) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners provide that the examination be so held, and require the Local Marine Boards of those ports to act as one board for the purpose of the examination

(5) Subject to the powers of the Board of Trade under this section the Local Marine Board may appoint remove and re-appoint examiners and regulate the conduct of the examinations and any member of the Local Marine Board may be present at and assist at the examinations held by that Board

Examinations by  
Board of  
Trade in  
certain  
cases.

95 Where the business of a mercantile marine office is conducted other wise than under a Local Marine Board the Board of Trade may exercise all such powers and make all such provisions for the holding of examinations as may be exercised and made by a Local Marine Board.

Engineers  
certificates  
of com-  
petency

96 (1) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same examinations shall be held at such places as the Board of Trade direct

(2) The Board of Trade may appoint times for the examinations and may appoint remove and re-appoint examiners to conduct the same and determine the remuneration of those examiners and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

Fees on  
examination.

97 An applicant for examination whether as master mate or engineer shall pay such fees not exceeding those specified in the Fourth Schedule to this Act as the Board of Trade direct and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund

Grant of  
certificates  
on passing  
examination.

98 (1) The Board of Trade shall subject as hereinafter mentioned deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily and to have given satisfactory evidence of

his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

(2) The Board of Trade may, in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

99. (1) A person who has attained the rank of lieutenant sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination Certificates of service for naval officers

(2) A person who has attained the rank of engineer or assistant engineer, in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

(3) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home-trade passenger ship shall not apply.

100. (1) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved Form and record of certificates

(2) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept in such manner as the Board of Trade direct, by the Registrar General of Shipping and Seamen, or by such other person as a Board of Trade direct.

(3) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

101. If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any), as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record and to be delivered to him, and a copy purporting to be so certified shall have all the effect of the original Loss of certificate

Colonial certificates of competency

102 Where the legislature of any British possession provides for the examination of and grant of certificates of competency to persons intending to act as masters mates or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act and are liable to be forfeited for the like reasons and in the like manner Her Majesty may by Order in Council—

- (i) declare that the said certificates shall be of the same force if they had been granted under this Act and
- (ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act shall apply to the certificates referred to in the Order and
- (iii) impose such conditions and make such regulations with respect to the certificates and to the use issue delivery cancellation and suspension thereof as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations

Production of certificates of competency to superintendent.

103 (1) The master of a foreign going ship—

- (a) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master mates and engineers of the ship are by this Act required to hold and
- (b) in the case of a running agreement shall also before the second and every subsequent voyage produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate

(2) The master or owner of every home-trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty first of December in every year the certificates of competency which the master mates and engineers of the ship are by this Act required to hold

(3) Upon the production of the certificates of competency the superintendent shall if the certificates are such as the master mates and engineers of the ship ought to hold give to the master a certificate to the effect that the proper certificates of competency have been so produced

(4) The master shall, before proceeding to sea produce the superintendent a certificate to the chief officer of customs and the ship may be detained until the certificate is produced

104 If any person—

- (a) forges or fraudulently alters or assists in forging or fraudulently altering or procures to be forged or fraudulently altered any

Forgery etc., of certificate of competency

certificate of competency, or an official copy of any such certificate ; or

- (b) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency, or
- (c) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled, or
- (d) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanour.

### *Apprenticeship to the Sea Service*

105. All superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland

106. Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such boards or persons, and if made in Ireland, be subject to the following regulations —

- (a) The board of guardians or other persons in any poor law union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound
- (b) if the cost of relieving the boy is chargeable to an electoral division of a poor law union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture
- (c) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed
- (d) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding



office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland

- (e) The amount of the costs incurred in any such action and not recovered from the defendant may be charged as the expenses incurred in binding out the apprentice

Attestation  
of pauper  
apprentice-  
ship.

107 Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength and that the person to whom the boy is bound is a proper person for the purpose.

Special pro-  
visions as to  
apprentice-  
ship to the  
sea service.

108 (1) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty

(2) Every indenture of apprenticeship to the sea service made in the United Kingdom and every assignment or cancellation thereof and where the apprentice bound dies or deserts the fact of the death or desertion shall be recorded

(3) For the purpose of the record—

(a) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar-General of Shipping and Seamen or to a superintendent the indenture executed in duplicate and the Registrar General or superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice

(b) the master shall notify any assignment or cancellation of the indenture or the death or desertion of the apprentice to the Registrar General of Shipping and Seamen or to a superintendent within seven days of the occurrence if it occurs within the United Kingdom or as soon as circumstances permit if it occurs elsewhere

(4) If any person fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding ten pounds.

Production  
of indentures  
to superin-  
tendent  
before  
voyage in  
foreign  
going ship.

109 (1) The master of a foreign going ship shall before carrying an apprentice to sea from a port in the United Kingdom cause the apprentice to appear before the superintendent before whom the crew are engaged and shall produce to the superintendent the indenture by which the apprentice is bound and every assignment thereof

(2) The name of the apprentice with the date of the indenture and of the assignments thereof if any and the names of the ports at which the same have been registered shall be entered on the agreement with the crew

(3) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds

### *Licences to supply Seamen.*

110. The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper

Licence for  
supply of  
seamen

111. (1) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is *bonâ fide* the servant and in the constant employment of the owner, or is a superintendent

Penalty for  
engaging  
seamen  
without  
licence

(2) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is *bonâ fide* the servant and in the constant employment of the owner, or is a superintendent

(3) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section

(4) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his licence

112. (1) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act

Penalty for  
receiving  
remunera-  
tion from  
seamen for  
engagement

(2) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds

### *Engagement of Seamen*

113. (1) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom

Agreements  
with crew

(2) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship and the master or owner in the case of a home-trade ship shall for each offence be liable to a fine not exceeding five pounds.

Form  
periods,  
and condi-  
tions of  
agreements  
with crew

114 (1) An agreement with the crew shall be in a form approved by the Board of Trade and shall be dated at the time of the first signature thereof and shall be signed by the master before a seaman signs the same

(2) The agreement with the crew shall contain as terms thereof the following particulars —

- (a) either the nature and, as far as practicable the duration of the intended voyage or engagement, of the maximum period of the voyage or engagement and the places or parts of the world if any to which the voyage or engagement is not to extend
- (b) the number and description of the crew specifying how many are engaged as sailors
- (c) the time at which each seaman is to be on board or to begin work
- (d) the capacity in which each seaman is to serve
- (e) the amount of wages which each seaman is to receive
- (f) a scale of the provisions which are to be furnished to each seaman
- (g) any regulations as to conduct on board and as to fines short allowance of provisions or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted and which the parties agree to adopt

(3) The agreement with the crew shall be so framed as to admit of such stipulations to be adopted at the will of the master and seamen in each case whether respecting the advance and allotment of wages or otherwise as are not contrary to law

(4) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged and engages single seamen in the United Kingdom those seamen may sign the agreement so made and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade

Special  
provisions  
as to  
agreements  
with crew of  
foreign  
going ships.

115 The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom —

- (1) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent
- (2) The superintendent shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the same before he signs it and shall attest each signature

- (3) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship
- (4) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature
- (5) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration, may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements
- (6) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival
- (7) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds
- (8) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master
- (9) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct

Special provisions as to agreements with crew of home-trade ships.

116 The following provisions shall have effect with respect to the agreements with the crew of home-trade ships for which an agreement with the crew is required under this Act —

- (1) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner but in the latter case the names of the ships and the nature of the service shall be specified in the agreement
- (2) Crews or single seamen may if the master think fit be engaged before a superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made the master shall before the ship puts to sea if practicable and if not as soon after as possible cause the agreement to be read and explained to each seaman and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature
- (3) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master and the provisions of this Act with respect to the making of the agreement shall apply accordingly
- (4) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty first day of December or the first arrival of the ship at her final port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival. Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner and those agreements need not expire on the thirtieth day of June or the thirty first day of December and a duplicate of every such agreement shall be forwarded to the Registrar General of Shipping and Seamen within forty-eight hours after it has been entered into

Changes in crew of foreign going ship to be reported.

117 (1) The master of every foreign-going ship whose crew has been engaged before a superintendent shall before finally leaving the United Kingdom sign and send to the nearest superintendent a full and accurate statement in a form approved by the Board of Trade every change which takes place in his crew before finally leaving the United Kingdom and that statement shall be admissible in evidence in manner provided by this Act

(2) If a master fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding five pounds

Certificate as to arrangements with crew of foreign going ships.

118 (1) In the case of a foreign going ship on the due execution of an agreement with the crew in accordance with this Act and also when the agreement is a running agreement on compliance by the master with the second and every subsequent voyage made after the first commencement

of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect

(2) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced

(3) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery, and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds

119. (1) The master or owner of a home-trade ship of more than eighty tons burden shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively

Certificate as to agreements with crew of home trade ships

(2) The Superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs

(3) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds

120. (1) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew (omitting the signatures) to be posted up in some part of the ship which is accessible to the crew

Copy of agreement to be made accessible to crew

(2) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds

121. If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanour, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanour

Forgery, etc., of agreements with crew

122. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Alterations in agreements with crew

Seamen not to be bound to produce agreement.

123 In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case without producing, or giving notice to produce the agreement or any copy thereof.

Engagement of seamen in colonial and foreign ports.

124 (1) With respect to the engagement of seamen abroad the following provisions shall have effect —

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at a port in which there is a British consular officer the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications —

- (a) in any such British possession the master shall engage the seaman before some officer being either a superintendent or if there is no such superintendent an officer of customs
- (b) at any such port having a British consular officer the master shall before carrying the seaman to sea procure the sanction of the consular officer and shall engage the seaman before that officer
- (c) the officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act and also if the officer is a British consular officer that it has his sanction and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master

(2) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds

#### *Agreements with Lascars*

Agreements with lascars.

125 (1) The master or owner of any ship or his agent may enter into an agreement with a lascar or any native of India binding him to proceed either as a seaman or as a passenger —

- (a) to any port in the United Kingdom and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there and to be bound to any port in British India or
- (b) to any port in the Australian Colonies and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's dominions

(2) The original agreement shall be made in such form and contain such provisions and be executed in such manner and contain such conditions for securing the return of the lascar or native to his own country and for other purposes as the Governor General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct

(3) Where any lascar or native bound by the original agreement is on board arriving in the United Kingdom or one of the earl colonies as the case may

be required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of India or in any such colony by the Governor of the colony, may on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the Governor may direct, certify,—

- (a) that the further agreement is a proper agreement in all respects for the lascar or native to make, and is in accordance with the original agreement ; and
- (b) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in and also where the ship is in one of the said Australian colonies that it is properly supplied with provisions , and
- (c) that there is not, in his opinion, any objection to the full performance of the original agreement ;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same

(4) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise shall exhibit to the officer of customs, or to such person as the Board of Trade may authorise in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the failure takes place

(5) Nothing in this section shall affect any provisions which are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, entitled “ An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade ”

#### *Rating of Seamen.*

126. (1) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for <sup>Rating of</sup> <sup>seamen</sup> <sup>three</sup> years before the mast], but the employment of fishermen in decked fishing vessels registered under the first part of this Act shall only count as sea service up to



the period of <sup>1</sup>[two years of that employment] and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to <sup>1</sup>[two or more years sea service] on board of decked fishing vessels so registered.

(2) The service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding six pence) specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship or by other satisfactory proof

### *Discharge of Seamen*

Discharge  
before  
superinten-  
dent.

127 (1) When a seaman serving in a British foreign-going ship whether registered within or without the United Kingdom is on the termination of his engagement discharged in the United Kingdom he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement be discharged in manner provided by this Act in the presence of a superintendent.

(2) If the master or owner of a ship acts in contravention of this section he shall for each offence be liable to a fine not exceeding ten pounds.

(3) If the master or owner of a home-trade ship so desire the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign going ship

Certificate of  
discharge  
and return  
of certificate  
to officer on  
discharge.

128 (1) The master shall sign and give to a seaman discharged from his ship either on his discharge or in payment of his wages, a certificate of his discharge in a form approved by the Board of Trade specifying the period of his service and the time and place of his discharge and if the master fails so to do he shall for each offence be liable to a fine not exceeding ten pounds

(2) The master shall also upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him return the certificate to the officer and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds

Reports of  
seaman's  
character

129 (1) Where a seaman is discharged before a superintendent the master shall make and sign in a form approved by Board of Trade a report of the conduct character and qualifications of the seaman discharged or may state in the said form that he declines to give any opinion upon such particulars or upon any of them and the superintendent before whom the discharge is made shall if the seaman desires give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character)

(2) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen or to such other person as the Board of Trade may direct to be recorded

130. If any person—

- (a) makes a false report of character under this Act, knowing the same to be false, or
- (b) forges or fraudulently alters any certificates of discharge or report of character or copy of a report of character, or
- (c) assists in committing, or procures to be committed, any of such offences as aforesaid, or
- (d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

False or  
forged  
certificate of  
discharge or  
report of  
character

he shall in respect of each offence be guilty of a misdemeanour

### *Payment of Wages.*

131. (1) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds

Payment of  
wages  
before  
superintend-  
ent

(2) If the master or owner of a home-trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship

<sup>1</sup>132. (1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever

Master to  
deliver  
account of  
wages

(2) The said account shall be delivered—

- (a) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off, and
- (b) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off

(3) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds

<sup>1</sup>133. (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery

Deductions  
from wages  
of seamen

(2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective

deductions as they occur in a book to be kept for that purpose, and shall if required, produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Time of  
payment of  
wages for  
foreign-going  
ships.

134 In the case of foreign going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

- (a) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds or one-fourth of the balance of wages due to him whichever is least and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday fast day in Scotland or Bank holiday) after he so leaves the ship
- (b) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act
- (c) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned then, unless the delay is due to the act or default of the seaman or to any reasonable dispute as to liability or to any other cause not being the wrongful act or default of the owner or master the seaman's wages shall continue to run and be payable until the time of the final settlement thereof

Time of  
payment of  
wages for  
home trade  
ships.

135 (1) The master or owner of every home-trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew or at the time when the seaman is discharged whichever first happens.

(2) If a master or owner fails without reasonable cause to make payment at the time he shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days during which payment is delayed beyond that time but the sum payable shall not exceed ten days double pay

(3) Any sum payable under this section may be recovered as wages

Settlement  
of wages.

136 (1) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent he shall sign in the presence of the superintendent a release in a form approved by the Board of Trade of all claims in respect of the past voyage or engagement and the release shall also be signed by the master or owner of the ship and attested by the superintendent

(2) The release so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement

(3) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid, and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

137. (1) Where in the case of a foreign-going ship a question as to wages, is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate and the decision of the superintendent in the matter shall be final, but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it

Decision of questions by superintendent

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted, and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp, and a document purporting to be the submission or award shall be admissible as evidence thereof

138. (1) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter

Power of superintendent to require production of ship's papers

(2) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds

139. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Rule as to payment of British seamen in foreign money

*Advances and Allotment of Wages*

Advance  
notes  
restricted.

140 (1) (a) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement and

(b) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations  
as to allot-  
ment notes.

<sup>1</sup> 141 (1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew and shall state the amounts and times of the payments to be made

(2) Where the agreement is required to be made in a form approved by the Board of Trade the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note of any part (not exceeding one-half) of his wages in favour either of a near relative or of a savings bank.

(3) Allotment notes shall be in a form approved by the Board of Trade

(4) For the purposes of the provisions of this Act with respect to allotment notes—

(a) the expression 'near relative' means one of the following persons, namely the wife, father mother grandfather grand mother child grand-child brother or sister of the seaman.

(b) the expression 'savings bank' means a seaman's savings bank under this Act, or a trustee savings bank or a post office savings bank

Allotments  
through  
savings  
banks.

142 (1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade.

(2) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made through a superintendent or the Board of Trade by the seaman himself or in case of his death by some person to whom his property, if under one hundred pounds in value may be paid under this Act

<sup>1</sup> As to the true interpretation of s. 141 see 1 & 2 Geo. 5 c. 8 s. 8 (a/b). \* s. 141 s. 142 7 p. 49 & 61

143. (1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act. provided that the wife of a seaman if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour

Right of  
suing on  
allotment  
notes

(2) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent, and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

(a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or

(b) by a certified copy of some entry in the official log book to the effect that he has left the ship, or

(c) by a credible letter from the master of the ship to the same effect, or

(d) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

144. [*Time for payment of allotment note*—*Rep*, 6 *Edw.* 7, c. 48, s 85, *Sch II*]

#### *Seamen's Money Orders and Savings Banks*

145. (1) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act

Remittance  
of seamen's  
wages, etc.,  
by seamen's  
money  
orders.

(2) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid, and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same

146. The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of-kin of such person, notwithstanding that the order may not be in his

Power to  
pay when  
order is lost

possession and, from and after the payment, the Board of Trade and every superintendent and officer of the Board of Trade shall be freed from all liability in respect of the money order

Penalty for  
issuing  
money  
orders with  
fraudulent  
intent.

147 If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

Power for  
Board of  
Trade to  
establish  
savings  
banks.

148 (1) The Board of Trade may maintain a central seamen's saving bank in London, and may establish and maintain branch seaman's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy merchant service or other sea service) or the wives, widows and children of such seamen so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed two hundred pounds.

(2) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen and if so required any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks

(3) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest the rights claims and obligations of depositors and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act

National  
Debt Com-  
missioners to  
receive de-  
posits etc.

149 (1) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

(2) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks and shall pay to the account of the Board of Trade interest on the money while in their hands at the same rate as on the money received from trustee savings banks.

Application  
of deposits  
of deceased  
depositor

150 All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act and the provisions of this Act respecting that property shall apply accordingly

Expenses of  
savings  
banks.

151. The Board of Trade may out of the interest received by them from the National Debt Commissioners under this Act pay any expenses incurred by them in relation to seamen's savings banks

Accounts  
and copy of  
regulations  
to be laid

152 An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act and of the interest thereon, and a copy of all regulations made by the Board of Trade

with respect to seamen's savings banks shall be laid before both Houses of Parliament. before Parliament.

153. Legal proceedings shall not be instituted against the Board of Trade, Public officers to be exempt from legal proceedings, except in case of wilful default.  
or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted

154. If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon— Forgery of documents, etc., for purposes of obtaining money in seamen's savings bank.

- (a) forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest, or
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid, or
- (c) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false, or
- (d) makes, assists in making, or procures to be made, any false representation, knowing the same to be false, or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

#### *Rights of Seamen in respect of Wages.*

155. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. Right to wages, etc., when to begin.

156. (1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage, and every stipulation in any agreement inconsistent with any provision of this Act shall be void. Right to recover wages and salvage not to be forfeited



(2) Nothing in this section shall apply to a stipulation made by the owner of a ship belonging to any ship which according to the terms of the agreement he is employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not  
to depend on  
freight.

157 (1) The right to wages shall not depend on the earning of freight and every seaman and apprentice who would be entitled to demand or recover any wages, if the ship in which he has served had earned freight, subject to all other rules of law and conditions applicable to the case, shall be entitled to demand and recover the same, notwithstanding that freight has not been earned<sup>a</sup> but in all cases of wreck or loss of the ship proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages.

(2) Where a seaman or apprentice who would but for death be entitled by virtue of this section to demand and recover any wages, dies before wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages on  
termination  
of service by  
wreck or  
illness.

158 Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship or of the seaman being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed, on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Wages not  
to accrue  
during  
refusal to  
work or  
imprison-  
ment.]

159 A seaman or apprentice shall not be entitled to wages for any period during which he unlawfully refuses or neglects to work when required to do so whether before or after the time fixed by the agreement for his commencement of such work nor unless the court hearing the case otherwise directs for any period during which he is lawfully imprisoned for any offence committed by him.

Forfeiture  
of wages,  
etc. of  
seaman when  
illness caused  
by his  
own default.

160 Where a seaman is by reason of illness incapable of performing his duty and it is proved that the illness has been caused by his own wilful act or default he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Costs of pro-  
secuting  
punishment  
may be de-  
ducted from  
wages.

161 Whenever in any proceeding relating to a seaman's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise the court hearing the case may direct a deduction to be made out of the wages due to the seaman not exceeding three pounds to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensa-  
tion to  
seamen  
improperly  
discharged.

162 If a seaman having signed an agreement is discharged other than in accordance with the terms thereof before the completion of the voyage or before one month's wages are earned without fault on his part justifying that discharge and without his consent he shall be entitled to receive from the master or owner in addition to any wages he may be

earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages, and may recover that compensation as if it were wages duly earned

163. (1) As respects wages due or accruing to a seaman or apprentice to the sea service—

Restriction  
on sale of,  
and charge  
upon, wages.

- (a) they shall not be subject to attachment or arrestment from any court ;
- (b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same ,
- (c) a power of attorney or authority for the receipt thereof shall not be irrevocable , and
- (d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

#### *Mode of recovering Wages*

164. A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Summary  
proceedings  
for wages

165. A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an admiralty proceeding in any court having admiralty jurisdiction in those dominions, except —

Restrictions  
on suits  
for wages

- (i) where the owner of the ship is adjudged bankrupt , or
- (ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid , or
- (iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court , or
- (iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore

166. (1) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board

Wages not  
recoverable  
abroad in  
certain  
cases.

(2) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case thinks reasonable.

Remedies of  
master for  
wages, dis-  
bursements,  
etc.

167 (1) The master of a ship shall, so far as the case permits have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom

(2) The master of a ship and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages

(3) If in any admiralty proceeding in any court having admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements or liabilities as aforesaid any right of set-off or counter-claim is set up the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due

#### *Power of Courts to rescind Contracts*

Power of  
court to  
rescind  
contract  
between  
owner or  
master and  
seaman or  
apprentice.

168 Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service arising out of or incidental to their relation as such or is instituted for the purpose of this section the court if having regard to all the circumstances of the case they think it just to do so may rescind any contract between the owner or master and the seaman or apprentice or any contract of apprenticeship upon such terms as the court may think just and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section

#### *Property of deceased Seamen*

Property of  
seamen who  
die during  
voyage.

169 (1) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom whether a foreign-going or a home-trade ship dies during that voyage the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship

(2) The master may if he think fit cause any of the effects to be sold by auction at the mast or otherwise by public auction

(3) The master shall enter in the official log book the following particulars :—

(a) a statement of the amount of the money and a description of the effects

(b) in case of a sale, a description of each article sold, and the sum received for each :

(c) a statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice

170. (1) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage

Dealing with and account of property of seamen who die during voyage

(2) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require

(3) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom

(4) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United Kingdom, deliver and pay the property to the superintendent at that port

(5) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased

(6) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.

(7) A superintendent in the United Kingdom shall grant to a master upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect, and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

Penalty for non-compliance with provision as to property of deceased seamen.

171 (1) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice or to making in the official log book the proper entries relating thereto or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for or if such value is not ascertained, not exceeding fifty pounds.

(2) If any such property is not duly paid delivered or accounted for by the master the owner of the ship shall pay deliver, and account for the same and such property shall be recoverable from him accordingly and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value of the property not accounted for delivered, or paid over or, if such value be not ascertained, not exceeding fifty pounds.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Property of deceased seamen left abroad but not on board ship.

172 If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship dies at any place out of the United Kingdom leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place shall claim and take charge of such money and effects and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part of this Act

Dealing with property of deceased seamen by officers abroad.

173 (1) A chief officer of customs in a British possession and a British consular officer may as he thinks fit sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act and the proceeds of any such sale shall be deemed to form part of the said property

(2) Every such officer shall quarterly or at such times as the Board of Trade require remit the property in such manner and shall render such accounts in respect thereof as the Board of Trade require

Recovery of wages, &c.

174 (1) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the

owner of the ship, in the same court and in the same manner in which of seamen  
seamen's wages are recoverable, and shall deal with those wages in the same lost with  
manner as with the wages of other deceased seamen and apprentices under their ship  
this Act

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable

(3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, be, in the absence of the proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss

175 If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct Property of  
seamen  
dying at  
home

176 (1) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows — Payment  
over of pro-  
perty of  
deceased  
seamen by  
Board of  
Trade

(a) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased

(b) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken

out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered or

- (c) They may if they think fit require representation to be taken out and pay and deliver the residue to the legal personal representative of deceased

(2) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

Dealing with  
deceased  
seaman's  
property  
when he  
leaves a will.

177 (1) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above mentioned residue,

- (a) If the will was made on board ship to any person claiming under the will, unless the will is in writing and is signed or acknowledged by the testator in the presence of and is attested by the master or first or only mate of the ship and

- (b) If the will was not made on board ship to any person claiming under the will and not being related to the testator by blood or marriage unless the will is in writing and is signed or acknowledged by the testator in the presence of and is attested by two witnesses one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made or where there are no such persons, a justice, British consular officer, or an officer of customs.

(2) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made

Claims by  
creditors.

178 (1) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor

(2) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after the death

(3) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved by the Board stating the particulars of his demand and the place of his abode and signed by him and verified by a statutory declaration.

(4) If before the demand is made any claim to the property of the deceased made by any person has been allowed that Board shall give notice to the creditor of the allowance of the claim

(5) If no claim has been allowed the Board of Trade shall investigate the creditor's account and may for that purpose require him to prove the same and to produce all books accounts vouchers and papers relating thereto and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part the same shall be allowed and paid accordingly so far as the property then in the hands of

the Board of Trade will extend for that purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid, but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand, and if in the course of that time a claim to the property of the deceased is made by any person as widow, next-of-kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.

(7) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next-of-kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person, as if he had received the property as the legal personal representative of the deceased.

179. Where no claim to the property of a deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and, subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund) Dealing with unclaimed property of deceased seaman

180 If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service,— Forgery of documents, etc., for purpose of obtaining property of deceased seamen

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property, or
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid, or
- (c) gives or assists in giving, or procures to be given, any false evidence knowing the same to be false, or
- (d) makes or assists in making, or procures to be made, any false representation, knowing the same to be false, or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

181 Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and Property of seamen discharged from Royal Navy



disposed of in such manner as the Accountant General of Her Majesty's Navy directs.

*Reimbursement of Relief to Seamen's Families*

Relief to seamen's families to be chargeable on a certain proportion of their wages.

182 (1) Whenever during the absence of any seaman on a voyage his wife or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage any sums properly expended during his absence in the maintenance of those members of his family or any of them so that the sums do not exceed the following proportions of his wages (that is to say)

(a) if only one of those members is chargeable, one-half of the wages

(b) if two or more of those members are chargeable, two-thirds of the wages.

(2) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid under an allotment note made by the seaman in favour of the member any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

Notice to owner and enforcement if charge.

183 (1) For the purpose of obtaining such reimbursement as aforesaid the board of guardians in a poor law union in England or Ireland and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim and requiring the owner to retain such proportion in his hands for a period to be therein mentioned not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector

(2) The owner after receiving any such notice shall retain the said proportion of wages and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim

(3) The board or inspector may upon the seaman's return apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement and that court may make a summary order for the reimbursement to the whole extent claimed or to such lesser amount as the court under the circumstances think fit, and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement and shall pay the residue of the wages to the seaman.

(4) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

*Destitute Seamen*

184. (1) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom, in a ship British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped

Penalty on masters of ships leaving certain seamen in distress in the United Kingdom

(2) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left

185 (1) It shall be the duty of the Secretary of State in Council of India to make charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom

Relief of destitute lascars

(2) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars, namely,—

- (a) the name of the person relieved or maintained, and
- (b) the part of India of which he professes to be a native, and
- (c) the name of the ship in which he was brought to the United Kingdom, and
- (d) the port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival

(3) The Secretary of State in Council of India shall repay to board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom

34.  
ill.

(4) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them,

<sup>1</sup> *Leaving Seamen Abroad*

186 to 189 [Rep 6 Edw 7 c 48 s 85 Sch II]

<sup>1</sup> *Distressed Seamen*190 to 193 [Rep *Ibid*]

194 [Payment of expenses out of Mercantile Marine Fund Rep 61 &amp; 62 Vict c 44 s 8 Sch IV]

*Volunteering into the Navy*Seamen  
allowed to  
leave their  
ships in order  
to enter the  
navy

195 (1) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom or otherwise be liable to any punishment or forfeiture whatever

(2) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

Money and  
effects of  
seamen  
volunteering  
into navy

196 (1) If a seaman without having previously committed an act amounting to and treated by the master as desertion leaves his ship in order to enter the naval service of Her Majesty and is received into that service, the master shall deliver to him his effects on board the ship and shall pay subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service to the officer authorised to receive the seaman into that service either in money or by bill drawn upon the owner and payable at sight to the order of the Accountant General of the Navy and the receipt of that officer shall be a discharge for the money or bill so given and the bill shall be exempt from stamp duty

(2) If the master fails so to deliver the seaman's effects or to pay his wages as by this section required he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds

(3) If any such bill be not duly paid when presented the Accountant General of the Navy or the seaman on whose behalf the bill is given may sue thereon or may recover the wages due by all or any of the means by which wages due to seamen are recoverable

Wages of  
seamen re-  
ceived into  
navy

197 (1) Where the wages of a seaman received into Her Majesty's naval service are paid in money the money shall be credited in the ship's ledger to the account of the seaman

(2) Where the wages are paid by bill the bill shall be noted in the ship's ledger and sent to the Accountant General of the Navy who shall cause the same to be presented for payment and shall credit the proceeds thereof to the account of the seaman.

(3) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant General as aforesaid

(4) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship, which he has quitted for the purpose of entering Her Majesty's service

(5) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty

(6) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court

(7) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant General of the Navy, and the Accountant General shall, upon delivery to him of the original certificate, together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate, and the certificate and receipt shall absolutely discharge the Accountant General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof

(8) If any person in making or supporting any application under this section—

(a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document, or

(b) presents or makes use of any document so forged or fraudulently altered, or

(c) gives, assists in giving, or procures to be given, any false evidence knowing the same to be false or

(d) makes, assists in making, or procures to be made, any false representation knowing the same to be false,

that person shall in respect of each offence be guilty of a misdemeanour.

<sup>1</sup> *Leaving Seamen Abroad.*

186 to 189 [Rep 6 Edw 7 c 48 s 85 Sch II]

<sup>1</sup> *Distressed Seamen*190 to 193 [Rep *Ibid*]

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*Volunteering into the Navy*Seamen  
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(2) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds

Money and  
effects of  
seamen  
volunteering  
into navy

196 (1) If a seaman without having previously committed an act amounting to and treated by the master as desertion leaves his ship in order to enter the naval service of Her Majesty and is received into that service the master shall deliver to him his effects on board the ship and shall pay subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service to the officer authorised to receive the seaman into that service either in money or by bill drawn upon the owner and payable at sight to the order of the Accountant General of the Navy and the receipt of that officer shall be a discharge for the money or bill so given and the bill shall be exempt from stamp duty

(2) If the master fails so to deliver the seaman's effects or to pay his wages as by this section required he shall in addition to his liability to deliver and pay the same be liable for each offence to a fine not exceeding twenty pounds

(3) If any such bill be not duly paid when presented the Accountant General of the Navy or the seaman on whose behalf the bill is given may sue thereon or may recover the wages due by all or any of the means by which wages due to seamen are recoverable

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seamen re-  
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(3) An officer who receives any such bill shall not be subject to any liability in respect thereof except for the safe custody thereof until sent to the Accountant General as aforesaid.

(4) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship, which he has quitted for the purpose of entering Her Majesty's service.

(5) If the owner or master of the ship shows to the satisfaction of the Admiralty that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

(6) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.

(7) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant General of the Navy, and the Accountant General shall, upon delivery to him of the original certificate, together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate, and the certificate and receipt shall absolutely discharge the Accountant General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8) If any person in making or supporting any application under this section—

(a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document, or

(b) presents or makes use of any document so forged or fraudulently altered, or

(c) gives, assists in giving, or procures to be given, any false evidence knowing the same to be false or

(d) makes, assists in making, or procures to be made, any false representation, knowing the same to be false,

that person shall in respect of each offence be guilty of a misdemeanour.

*1 Provisions Health and Accommodation*

Complaints  
as to  
provisions  
or water

198 (1) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity they may complain thereof to any of the following officers namely an officer in command of one of Her Majesty's ships a British consular officer a superintendent or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined

(2) If the officer or person making the examination finds that the provisions or water are of bad quality and unfit for use or deficient in quantity he shall signify it in writing to the master of the ship and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity or uses any provisions or water so signified to be of bad quality and unfit for use he shall for each offence be liable to a fine not exceeding twenty pounds

(3) The officer directing, or the person making the examination shall enter a statement of the result of the examination in the official log book and send a report thereof to the Board of Trade and that report shall be admissible in evidence in manner provided by this Act.

(4) If the said officer certifies in that statement that there was no reasonable ground for the complaint each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

199 In either of the following cases (that is to say) —

- (i) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) or
- (ii) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use,

the seaman shall receive by way of compensation for that reduction or bad quality according to the time of its continuance the following sums to be paid to him in addition to and to be recoverable as wages (that is to say) —

- (a) if his allowance is reduced by not more than one-third of the quantity specified in the agreement a sum not exceeding sixpence a day
- (b) if his allowance is reduced by more than one-third of that quantity, eightpence a day

Allowance  
for board or  
bad provisions

(c) in respect of bad quality as aforesaid, a sum not exceeding one shilling a day

But if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires

200 (1) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same

Regulations  
respecting  
medicines,  
anti scorbu-  
tics, etc.

(2) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3) The master or owner of every such ship, except in the case of—

(a) ships bound to European ports or ports in the Mediterranean Sea ,  
and

(b) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt ,  
shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any

(4) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the non-compliance was not caused through his inattention, neglect or wilful default

(5) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part

(6) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.



(7) If any person manufactures sells or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality he shall, for each offence be liable to a fine not exceeding twenty pounds

Weights  
and measures  
on board.

201. (1) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2) If the master of a ship fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding ten pounds.

Inspection  
of medicines,  
medical  
stores, and  
anti-scorbutics.

202. (1) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this Part of this Act to be provided.

(2) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act and shall act if appointed by a local marine board, under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made) and if appointed by the Board of Trade under the direction of the Board of Trade

(3) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea if reasonable notice in writing for the purpose is given to him by the master owner or consignee and where the result of the inspection is satisfactory shall not make another inspection before the ship proceeds to sea unless he has reason to suspect that any of the articles inspected have been subsequently removed injured or destroyed

(4) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality or are placed in improper vessels he shall give notice in writing to the chief officer of customs of the port where the ship is lying and also to the master owner or consignee thereof and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships that the default found by the inspector has been remedied and if that certificate is not so produced the ship shall be detained until the certificate is produced and if the ship proceeds to sea the owner master or consignee of the ship shall for each offence be liable to a fine not exceeding twenty pounds

Medical inspection  
of seamen.

203. (1) A medical inspector of seamen appointed under this Part of this Act shall on application by the owner or master of any ship examine any seaman applying for employment in that ship and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea and a copy of the report shall be given to the master or owner

(2) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the mercantile marine fund.

204. (1) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the board of Trade may fix his remuneration, and at any port where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration

Appointment  
of medical  
inspectors.

(2) The local marine board and at a port where there is no such local marine board, the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the mercantile marine fund such remuneration as the Board of Trade direct

205 The governor of a British possession shall have the power in that possession—

- (a) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors, and,
- (b) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships

Appointment  
of medical  
inspector,  
and regu-  
lations as  
to supply  
of anti-  
scorbutics  
in colonies

1206 (1) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules

Inspection of  
provisions  
and water  
for crew  
of certain  
ships

(2) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction

(3) No fee for an inspection under this section shall be levied on the ship.

(4) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before a Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

(5) The Board of Trade may appoint officers for the purposes of any inspection under this section and may with the concurrence of the Treasury assign them remuneration to be paid out of moneys provided by Parliament.

207 [*Expenses of medical attendance in case of illness*—Rep 6 Edw 7 c 48 s 85 Sch II]

208 [*Recovery of expenses from owner*—Rep 6 Edw 7 c 48 s 85 Sch II]

Certain ships to carry medical practitioners.

209 (1) Every foreign-going ship having one hundred persons or upwards on board shall carry on board as part of her complement some duly qualified medical practitioner and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.

(2) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

Accommodation for seamen.

210 (1) Every place in any British ship occupied by seamen or apprentices and appropriated to their use shall have for each of those seamen or apprentices a space of not less than seventy two cubic feet and of not less than twelve superficial feet measured on the deck or floor of that place and shall be subject to the regulations in the Sixth Schedule to this Act and those regulations shall have effect as part of this section and if any of the foregoing requirements of this section is not complied with in the case of any ship the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

(2) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which after complaint has been made to him by any two or more of the seamen so lodged it is not so kept free.

(3) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section not exceeding the fees specified in the Sixth Schedule to this Act.

### *Facilities for making Complaint*

Facilities for making complaint.

211 (1) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace British consular officer or officer in command of one of Her Majesty's ships against the master or any of the crew the master shall so far as the nature of the ship will permit—

(a) if the ship is then at a place where there is a justice of the peace as aforesaid after such statement and

(b) if the ship is not then at such a place after the statement at a place

allow the complainant to go ashore or send him ashore in proper custody or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to take his complaint

(2) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

### *Protection of Seamen from Imposition*

212 Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same, and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable

Assignment  
of sale of  
salvage  
invalid

213 A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded

No debt ex-  
ceeding 5s  
recoverable  
till end of  
voyage

214 (1) A local authority hereinafter mentioned whose district includes a seaport may, with the approval of the Board of Trade, make bye-laws relating to seamen's lodging-houses in their district, and those bye-laws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein

Seamen's  
lodging-  
houses

(2) The bye-laws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses for the publication of the fact of a house being licensed, for the due execution of the bye-laws for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any bye-laws

(3) The bye-laws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade

(4) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any bye-laws under this section, the Board of Trade may do so

(5) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of bye-laws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds

(6) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority and fines recovered for a contravention of this section or of any bye-law under this section shall be paid to such authority and added to those funds

(7) In this section the expression *local authority* means in the administrative county of London the county council and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867 and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878 and the expression *district* means the area under the authority of such local authority

30 & 31 V.  
c. 101  
41 & 4 V.  
c. 82

Penalty for  
overcharges  
by lodging  
house  
keepers.

215 If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein that person shall for each offence be liable to a fine not exceeding ten pounds

Penalty for  
detaining  
seamen's  
effects.

216 (1) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service and does not return the same or pay the value thereof when required by the seaman or apprentice subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise or absconds therewith he shall for each offence be liable to a fine not exceeding ten pounds

(2) A court of summary jurisdiction may besides inflicting a fine by summary order direct the amount of the money or the value of the effects subject to such deduction as aforesaid (if any) or the effects themselves to be forthwith paid or delivered to the seaman or apprentice

Penalty for  
solicitations  
by lodging  
house  
keepers.

217 If within twenty four hours after the arrival of a ship at a port in the United Kingdom a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodging for hire or takes out of the ship any effects of a seaman except under the personal direction of the seaman and with the permission of the master he shall for each offence be liable to a fine not exceeding five pounds.

Penalty for  
being on  
board ship  
without  
permission  
before sea-  
men leave.

218 Where a ship is about to arrive is arriving or has arrived at the end of her voyage and any person not being in Her Majesty's service or not being duly authorized by law for the purpose—

- (a) goes on board the ship without the permission of the master before the seamen lawfully leave the ship at the end of their engagement or are discharged (whichever last happens) or
- (b) being on board the ship remains there after being warned to leave by the master or by a police-officer or by any officer of the Board of Trade or of the Customs

that person shall for each offence be liable to a fine not exceeding twenty pounds or at the discretion of the court to imprisonment for a term not exceeding six months and the master of the ship or any officer of the Board of Trade may take him into custody and deliver him up forthwith to a constable to be taken before a court capable of taking cognizance of the offence.

219 Whenever it is made to appear to Her Majesty that the Govern- Application  
ment of a foreign country— of provisions  
of previous  
section to  
foreign  
ships

(a) has provided that unauthorised persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons going on board British ships at the end of their voyages, and

(b) is desirous that the provisions of the said section shall apply to unauthorised persons going on board ships of that foreign country within British territorial jurisdiction,

Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships

*Provisions as to Discipline*

220 If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,— Misconduct  
endangering  
life or ship

(a) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship, or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanour

<sup>1</sup>221 If a seaman lawfully engaged, or an apprentice to the sea service commits any of the following offences, he shall be liable to be punished summarily as follows — Desertion  
and absence  
without  
leave

(a) If he deserts from his ship he shall be guilty of the offence of desertion, and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour,

(b) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship sailing from a port,

(2) If a ship is lost or abandoned the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log book (if any) duly made out to the time of the loss or abandonment.

(3) If the master or owner of a ship fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding ten pounds.

#### *Local Marine Boards*

Continuance  
and con-  
stitution  
of local ma-  
rine board.

244 (1) There shall be local marine boards for carrying into effect<sup>1</sup> [such of the provisions of this Act as relate to their powers and duties] under the superintendence of the Board of Trade at those ports of the United Kingdom at which local marine boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act and the regulations in that schedule shall apply to the Board and elections thereof.

(3) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted including the fixing of a quorum, not being less than three.

(4) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5) Any Act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members or of any error in the list of voters entitled to vote at the election or of any irregularity in making or revising the list or by reason of any person not duly qualified acting on the board or of any vacancy in the board.

Control of  
Board of  
Trade over  
local marine  
boards.

245 (1) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require, and all minutes, books, and documents of or used or kept by any local marine board or by any superintendent, or by any examiner or other officer or servant under the control of any local marine board shall be open to the inspection of the Board of Trade and their officers.

(2) If any local marine board by reason of any election not being held or of the simultaneous resignation or continued non attendance of all or the greater part of the members or from any other cause fail to meet or to discharge their duties, the Board of Trade may in their discretion either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof or direct that a new appointment and election of the local marine board shall take place immediately.

(3) If on complaint made to the Board of Trade it appears to them that at any port any appointments or arrangements made by a local marine board under this Act are not such as to meet the wants of the port or are in

<sup>1</sup> substituted for the words "the Act" in the 1894 Act.

any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same as they think expedient, having regard to the intention of this Act and to the wants of the port

*Mercantile Marine Offices.*

246. (1) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine

Establishment and control of mercantile marine offices.

(2) In every port where there is a local marine board the board shall procure the said buildings and property, and regulate the business at, and have the control of, the mercantile marine office, subject as follows.—

(a) The sanction of the Board of Trade shall be necessary, so far as regards all expenses

(b) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require

(c) 2 \* \* \* \* \*

(d) The Board of Trade may appoint any superintendent of, or other person connected with, any sailor's home in the port of London to be a superintendent with any necessary deputies, clerks and servants, and may appoint an office in any such home to be a mercantile marine office, \* \* \*

(3) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—

(a) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, \* \* \* or

(b) direct, with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house, and thereupon the custom house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act

<sup>1</sup> Words repealed by 6 Edw 7, c 48, s 85, Sch II

<sup>2</sup> Paragraph (c) was repealed by 6 Edw 7, c 48, s. 85, Sch. II.



Business of  
mercantile  
marine office.

247 (1) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—

to afford facilities for engaging seamen by keeping registries of their names and characters

to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided

to provide means for securing the presence on board at the proper times of the seamen who are so engaged

to facilitate the making of apprenticeships to the sea service and to perform such other duties relating to seamen apprentices and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping committed to them

(2) Any Act done by to or before a deputy duly appointed shall have the same effect as if done by, to or before a superintendent

Embezzlement by  
officers of  
local marine  
boards.

248 (1) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act 1861 (relating to embezzlement)

(2) If any person so appointed to an office or service—

(a) fraudulently applies or disposes of any chattel money or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board or for or on account of any other public board or department for his own use or any use or purpose other than that for which the same was paid entrusted to or received by him or

(b) fraudulently withholds, retains or keeps back the same or any part thereof contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act 1861

(3) In any indictment under this section it shall be sufficient to charge any such chattel money or valuable security as the property either of the local marine board by whom the person was appointed or of the board or department for or on account of whom the same was received.

(4) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement) shall apply as if an offence under this section were embezzlement under that Act

Power to  
dispenso  
with trans-  
action of  
certain  
matters at  
mercantile  
marine  
offices.  
Prohibition  
on taking  
fees at

249 The Board of Trade may dispense with the transaction in a mercantile marine office or before a superintendent of any matters required by this Act to be so transacted and thereupon those matters if there duly transacted shall be as valid as if they were transacted in an office or before a superintendent

250 If a superintendent deputy clerk or servant in a mercantile marine office demands or receives any fee as provided by any Act or as by the

the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.

mercantile  
marine office

*Registration of and Returns respecting Seamen*

251. (1) There shall be maintained in the port of London, under the control of the Board of Trade, an office, called the General Register and Record Office of Seamen

Establish-  
ment of re-  
gister office.

(2) The Board of Trade may appoint and remove a Registrar-General called "The Registrar-General of Shipping and Seamen," and such assistants, clerks, and servants as may be necessary, and, with the consent of the Treasury, regulate their salaries and allowances, and those salaries and allowances and all other necessary expenses, shall be paid out of moneys provided by Parliament

(3) The Board of Trade may direct that the business of the said office at any of the out ports be transacted at the mercantile marine office there, or with the consent of the Commissioners of Customs at the Custom House there, and may appoint the superintendent, or with the said consent some officer of customs, as the case may be, to conduct the business, and the business shall thereupon be conducted accordingly, subject to the immediate control of the Board of Trade

252. The Registrar-General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act

Register of  
seamen

253. (1) The master—

Lists of the  
crew.

(a) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered, and

(b) of a home-trade ship,  
shall make out and sign a list in this Act referred to as the list of the crew, in a form approved by the Board of Trade, and containing the following particulars —

(i) the number and date of the ship's register, and her registered tonnage

(ii) the length and general nature of the voyage or employment

(iii) the names, ages, and places of birth of all the crew including the master and apprentices, their ratings on board, their last ships or other employments, and the dates and places of their joining the ship

(iv) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof

- (v) the names of any members of the crew who have been maimed or hurt with the time place cause, and circumstances thereof
- (vi) the wages due at the time of death to any of the crew who have died
- (vii) the property belonging to any of the crew who have died with a statement of the manner in which it has been dealt with and the money for which any part of it has been sold
- (viii) any marriage which takes place on board with the date thereof and the names and ages of the parties

(2) The list of the crew—

- (a) in the case of a foreign-going ship shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom or upon the discharge of the crew whichever first happens to the superintendent before whom the crew is discharged and
- (b) in the case of a home-trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty first day of December in each year

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced and an officer of customs shall not clear inwards any foreign-going ship until the certificate is produced

(3) If the master in the case of a foreign going ship or the master or owner in the case of a home-trade ship fails without reasonable cause to deliver or transmit the list of the crew as required by this section he shall for each offence be liable to a fine not exceeding five pounds

254 (1) The master of every British ship whether registered or not in the United Kingdom shall as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship record in his log book or otherwise the fact of the birth or death and the particulars required by the Eighth Schedule to this Act to be registered concerning the birth or death or such of them as may be known to him

(2) The master of every British ship upon its arrival at any port in the United Kingdom or at such other time and place as the Board of Trade may with respect to any ship or class of ships direct shall deliver or transmit in such form as the Board of Trade direct a return of the facts recorded by him in respect to the birth of a child or the death of a person on board his ship

and the same shall accordingly be delivered, if the port is in a British possession, to the Superintendent or chief officer of customs at such port, and if it is elsewhere, to the British consular officer at the port, and such superintendent or officer shall transmit the same as soon as may be to the Registrar-General of Shipping and Seamen.

(4) The Registrar-General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows, that is to say,—

(a) if it appears from the return that the father of the child so born, or if the child is a bastard the mother of the child, or that the person deceased was a Scotch or Irish subject of Her Majesty, then to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require, and

(b) in any other case to the Registrar-General of Births and Deaths in England,

and such Registrar-General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the marine register book, and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland, respectively.

(5) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding five pounds.

255. Where by reason of the transfer of ownership or change of employment of a ship, the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation

Return in case of transfer or loss of ship.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment

(3) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds

256. (1) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit

Transmits-  
tion of  
documents to  
registrar by  
superintend-  
ents and  
other officers.

them to the Registrar General of Shipping and Seamen and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade or without payment if the Board so direct, be open to the inspection of any person

(2) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877 and those Acts shall where applicable apply to those documents in all respects as if specifically referred to therein.

Deposit of documents at foreign ports and in colonies.

257 (1) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers whether cabin or steerage passengers) arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours the master shall within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be,) the agreement with the crew and also all indentures and assignments of apprenticeships, or if the ship is registered in a British possession such of those documents as the ship is provided with

1 & 2,  
c. 94,  
40 & 4  
c. 65.

(2) The officer shall keep the documents during the ship's stay in the port and in cases where any endorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned

(3) If it appears that the required forms have been neglected, or that the existing laws have been transgressed the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression to the Registrar-General of Shipping and Seamen

(4) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds and in any prosecution for that fine it shall lie upon the master either to produce the said certificate or to prove that he duly obtained it or that it was impracticable for him to obtain it

Documents to be handed over to successor on change of master.

258. If during the progress of a voyage the master is removed or superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody and if he fails without reasonable cause so to do he shall be liable to a fine not exceeding one hundred pounds and his successor shall immediately on assuming the command of the ship enter in the *Log Book* a list of the documents so delivered to him

*Sites for Sailors' Homes.*

259. The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port existing, are constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors' home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit

Corporations, etc., may grant sites for sailors' homes

*Application of Part II.<sup>1</sup>*

260. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as hereinafter provided with respect to—

Application of Part II to ships registered in the United Kingdom

- (a) ships belonging to any of the three general lighthouse authorities,
- (b) pleasure yachts, and
- (c) fishing boats.

261. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows, that is to say,

Application of Part II to ships registered elsewhere than in the United Kingdom

- (a) the provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;
- (b) the provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and
- (c) all the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered, and
- (d) the provisions relating to the rights of seamen in respect of wages to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every

<sup>1</sup> See 6 Edw 7, c. 48, s. 49, (3).

case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered

262 The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts or to the owners, masters, and crews thereof namely, the provisions relating to—

- (a) the requirement of officers to hold certificates of competency and the production of those certificates
- (b) the exemption from stamp duty and record of indentures of apprenticeship and matters to be done for the purpose of such record
- (c) the entry in agreement with the crew of the particulars respecting apprenticeship, and matters to be done for the purpose of such entry
- (d) the engagement or supply of seamen or apprentices by or through unlicensed persons
- (e) agreements with the crew (except the provisions relating to the engagement of a seaman abroad)
- (f) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages,
- (g) the accommodation for seamen,
- (h) the deduction and payment of fines imposed under stipulations in the agreement
- (i) the delivery of documents at ports abroad to consular or customs officers or
- (j) official log books.

263 (1) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews volunteering into the Navy and the property of deceased seamen) shall not subject us herein after provided with respect to Scotland or by the Fourth Part of this Act apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom or to the owners, skippers and crews thereof

(2) The provisions of this Part of this Act relating to—

- (a) apprenticeships to the sea service
- (b) compulsory agreements with the crew
- (c) the alteration falsification or putting up of a piece of a treaty with the crew
- (d) compensation to seamen improperly discharged
- (e) the delivery of an account of wages
- (f) the granting of certificates of discharge and the return of certificates of competency by the master
- (g) the decision of questions by the superintendent and the return of a report
- (h) the production of the ship's papers by the master or the return of a report in proceedings under this Act

Partial application of Part II to ships of lighthouse authorities and pleasure yachts.

Partial application of Part II to fishing boats.

(2) the sections constituting the offences of desertion, absence without leave, and offences against discipline,

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof

(3) So far as respects Scotland all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general light house authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof

264. If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at any port in that possession and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act

Application of Part II to Colony by Colonial legislatures

265. Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision, but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered

Conflict of laws

266. This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act as if such ship had been registered in the United Kingdom

Unregistered ship deemed to be registered in United Kingdom for certain purposes

### PART III<sup>1</sup>

#### PASSENGER AND EMIGRANT SHIPS

##### 1 DEFINITIONS

##### *Definition of Passenger Steamer and Passenger*

267. For the purposes of this Part of this Act—

The expression "passenger" shall include any person carried in a ship other than the master and crew, and the owner, his family and servants, and

Definition of "passenger" and "passenger steamer"

The expression "passenger steamer"<sup>2</sup> shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom except steam ferry boats working in chains (commonly called steam bridges)

3\* \* \*

<sup>1</sup> See 6 Edw 7, c 48, Part II

<sup>2</sup> See 6 Edw 7, c 48, s 13

<sup>3</sup> The words "and every foreign steamship carrying passengers between places in the United Kingdom" were repealed by 6 Edw 7, c 48, s 85, Sch. II



*Definition of Emigrant Ship etc.*

"Emigrant  
ship," etc.  
to which  
Part applies.

268 For the purposes of this Part of this Act unless the context otherwise requires—

- (1) The expression "emigrant ship" shall mean every sea-going ship, whether British or foreign and whether or not conveying mails carrying, upon any voyage to which the provisions of this Part of this Act respecting emigrant ships apply more than fifty steerage passengers or a greater number of steerage passengers than in the proportion—
  - (a) if the ship is a sailing ship of one statute adult to thirty three tons of the ship's registered tonnage, and
  - (b) if the ship is a steamship of one statute adult to every twenty tons of the ship's registered tonnage, and
 includes a ship which having proceeded from a port outside the British Islands takes on board at any port in the British Islands such number of steerage passengers whether British subjects or aliens resident in the British Islands, as would either with or without the steerage passengers which she already has on board constitute her an emigrant ship
- (2) The expression "statute adult" shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult
- <sup>1</sup>[(3) The expression "steerage passenger" means all passengers except cabin passengers and persons shall not be deemed cabin passengers unless—
  - (a) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult and
  - (b) the fare contracted to be paid by them amounts to at least the sum of twenty five pounds for the entire voyage or is in the proportion of at least sixty five shillings for every thousand miles of the length of the voyage and
  - (c) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers.]
- (4) The expression "steerage passage" shall include passages of all passengers except cabin passengers
- (5) The expression "upper passenger deck" shall mean any deck of the ship immediately beneath the upper deck or the poop or main house and deck house when the number of passengers on the cabin or steerage passengers carried in the poop or main house or deck house exceeds one-third of the total number of passengers

<sup>1</sup> Substituted by G.L.D. in 1894 in the old form of (2) but it is not a part of the Act.

passengers which the ship can lawfully carry on the deck next below,

- (6) The expression "lower passenger deck" shall mean and include the deck next beneath the upper passenger deck not being an orlop deck

269 For the purpose of this Part of this Act the length of the voyage of an emigrant ship from the British Islands to any port elsewhere shall be determined by such of the scales fixed by the Board of Trade as is applicable thereto, and the Board of Trade may fix the scales by notice published in the London Gazette, and may fix such different lengths of voyage as they think reasonable for different descriptions of ships

Scale for determining length of voyages

270 For the purposes of this Part of this Act a colonial voyage means a voyage from any port in a British possession, other than British India and Hong Kong, to any port whatever, where the distance between such ports exceeds four hundred miles, or the duration of the voyage, as determined under this Part of this Act, exceeds three days.

Definition of colonial voyage

## 2 PASSENGER STEAMERS

### *Survey of Passenger Steamers.*

271 (1) Every passenger steamer which carries more than twelve passengers shall—

Annual survey of passenger steamers.

- (a) be surveyed once at least in each year in the manner provided in this Part of this Act, and

- (b) shall not ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has the certificate from the Board of Trade as to survey under this Part of this Act, the same being in force, and applicable to the voyage or excursion on which the steamer is about to proceed

(2) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of Customs

(3) Provided that, while a steamer is an emigrant ship and the provisions of this Part of this Act as to the survey of the hull, machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section

1272. (1) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships, the shipwright surveyor being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer

Mode of survey and declaration of survey

(2) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Board of Trade

(3) The declaration of the shipwright surveyor shall contain statements of the following particulars —

- (a) that the hull of the steamer is sufficient for the service intended and in good condition
- (b) that the boats, life buoys, lights, signals, compasses and shelter for deck passengers, are such, and in such condition, as are required by this Act
- (c) the time (if less than one year) for which the hull and equipments will be sufficient
- (d) the limits (if any) beyond which as regards the hull and equipments the steamer is in the surveyor's judgment not fit to ply
- (e) the number of passengers which the steamer is in the judgment of the surveyor fit to carry distinguishing if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins, those numbers to be subject to such conditions and variations, according to the time of year the nature of the voyage the cargo carried, or other circumstances as the case requires
- (f) that the certificates of the master and mate or mates are such as are required by this Act.

(4) The declaration of the engineer surveyor shall contain statements of the following particulars, namely —

- (a) that the machinery of the steamer is sufficient for the service intended and in good condition
- (b) the time (if less than one year) for which the machinery will be sufficient
- (c) that the safety valves and fire hose are such and in such condition as are required by this Act
- (d) the limit of the weight to be placed on the safety valves
- (e) the limits (if any) beyond which as regards the machinery the steamer is in the surveyor's judgment not fit to ply
- (f) that the certificates of the engineer or engineers of the steamer are such as are required by this Act.

Transmission  
of declara-  
tion.

273 (1) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade

(2) If an owner fails without reasonable cause so to transmit a declaration of survey he shall forfeit a sum not exceeding ten shillings for every day during which the transmission is delayed and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee and shall be applied in the same manner as the fee

274 On the receipt of the declarations of the survey the Board of Trade shall if satisfied that this Part of this Act has been complied with

Issue of  
passenger

duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations— steamer's  
certificate

- (a) the limits if (any) beyond which the steamer is not fit to ply, and
- (b) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject

275. (1) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the Court of survey for the port or district where the steamer for the time being is, in manner directed by the rules of that Court Appeal to  
court of  
survey

(2) On any such appeal the judge of the Court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate

(3) Subject to any order made by the judge of the Court of survey the costs of and incidental to the appeal shall follow the event

(4) A shipwright or engineer surveyor in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the Court of survey

276. (1) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying Transmission  
of certificate

(2) The Board of Trade shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate

(3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent

277. The grantee of a passenger steamer's certificate shall pay such fees, not exceeding those specified in Part One of the Ninth Schedule to this Act, as the Board of Trade fix Fees for  
certificate

278. (1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the Duration of  
certificates,

certificate nor after notice is given by the Board of Trade to the owner agent or master of the steamer that the Board have cancelled it

(2) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom

Cancellation  
of certificate.

279 (1) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe—

- (a) that any declaration of survey on which the certificate was founded, has been in any particular made fraudulently or erroneously, or
- (b) that the certificate has been issued upon false or erroneous information or
- (c) that since the making of the declaration, the hull, equipments or machinery have sustained any injury or are otherwise insufficient

(2) In every such case the Board of Trade may require the owner to have the hull equipment, or machinery of the steamer again surveyed and to transmit further declarations of survey, before they re-issue the certificate or grant a fresh one in lieu thereof

Delivery up  
of certificate.

280 (1) The Board of Trade may require a passenger steamer's certificate which has expired or been cancelled, to be delivered up as they direct

(2) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds

Posting up  
of certificate.

281. (1) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer so as to be legible to all persons on board and to be kept so put up and legible while the certificate remains in force, and the steamer is in use

(2) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3) If a passenger steamer plies or goes to sea with passengers on board and this section is not complied with then for each offence the owner thereof shall be liable to a fine not exceeding one hundred pounds and the master shall also be liable to a further fine not exceeding twenty pounds.

Penalty for  
forgery of  
certificate of  
declaration.

282 If any person—

(a) knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent declaration of survey or passenger steamer's certificate or

(b) forges assists in forging procures to be forged fraudulently alters or assists in fraudulently altering or procures to be fraudulently altered any such declaration or certificate or any other document in or any signature to any such declaration or certificate or

that person shall in respect of each offence be guilty of a misdemeanour

<sup>1283</sup> The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and if he does so, he shall for each offence be liable to a fine not exceeding twenty pounds, and also to an additional fine not exceeding five shillings for every passenger above the number so allowed, or if the fare of any passenger on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board

Penalty for carrying passengers in excess

284. Where the legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty, the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

Colonial certificates for passenger steamers

- (1) declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act, and
- (2) declare that all or any of the provisions of this Part of this Act, which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession, and
- (3) impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations

#### *General Equipment of Passenger Steamers*

285 (1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

Equipment of passenger steamers with compasses, hose, dock shelters, and safety appliances

(2) A sea-going passenger steamer shall be provided with a hose capable of being connected with the engines of the steamer, and adapted for extinguishing fire in any part of the steamer.

(3) A home-trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require

(4) A passenger steamer shall be provided with a safety-valve on each boiler, so constructed as to be out of the control of the engineer when the

<sup>1</sup> See 6 Edw 7, c 48, s 22

steam is up and, if the safety valve is in addition to the ordinary valve so constructed as to have an area not less, and a pressure not greater than the area of and pressure on the ordinary valve.

(5) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required by this section, then for each matter in which default is made the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Prohibition  
of increasing  
weight on  
safety valve.

286 A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor and if he does so he shall in addition to any other liability he may incur by so doing be liable for each offence to a fine not exceeding one hundred pounds.

### *Keeping Order in Passenger Steamers*

Offences in  
connexion  
with passen-  
ger steamers.

287 (1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force that is to say

- (a) If any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment and, after having the amount of his fare (if he has paid it) returned or tendered to him nevertheless persists in attempting to enter the steamer
- (b) If any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom at which he can conveniently do so and after having the amount of his fare (if he has paid it) returned or tendered to him does not comply with the request
- (c) If any person on board the steamer after warning by the master or other officer thereof molests or continues to molest any passenger
- (d) If any person after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full and having had the amount of his fare (if he has paid it) returned or tendered to him nevertheless persists in attempting to enter the steamer
- (e) If any person having gone on board the steamer at any place and being requested on account of the steamer being full by the owner or any person in his employ to leave the steamer before it has quitted that place and having had the amount of his fare (if he has paid it) returned or tendered to him does not comply with that request
- (f) If any person travels or attempts to travel in the steamer without first paying his fare and with intent to avoid payment thereof

- (g) If any person having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof
- (h) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer and
- (i) If any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer :

the person so offending shall for each offence be liable to a fine not exceeding forty shillings, but that liability shall not prejudice the recovery of any fare payable by him

(2) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding twenty pounds

(3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before some justice of the peace to be dealt with according to law, and that justice shall, with all convenient despatch, try the case in a summary manner

(4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds and the fine shall be paid to the owner of the steamer

288 The master of any home-trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place ; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid

Power to exclude drunken passengers on home-trade passenger steamers.

### 3 EMIGRANT SHIPS

#### *Survey of Emigrant Ships*

289 (1) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any Preliminary survey of



emigrant  
ship.

voyage unless she has been surveyed under the direction of the emigration officer at the port of clearance but at the expense of the owner or charterer thereof by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage

(2) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship and such portion of cargo if laden on board shall be shifted if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship

(3) If any such surveyors report that the ship is not seaworthy or not fit for her intended voyage the owner or charterer may if he thinks fit by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer and the said officer shall thereupon appoint such surveyors and they shall survey the ship and if by unanimous report under their hands but not otherwise they declare the ship to be seaworthy and fit for her intended voyage the ship shall for the purposes of this Part of the Act be deemed seaworthy and fit for that voyage

(4) If any requirement of this section is not complied with in the case of any emigrant ship the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.

### Equipments

Equipment  
with com-  
passes  
chronom-  
eters fire-  
engine,  
anchors et

290 (1) Every emigrant ship shall in addition to any other requirement under this Act be provided with the following articles namely —

- (a) with at least three steering compasses and one azimuth compass and
- (b) if proceeding to any place north of the Equator with at least one chronometer and
- (c) if proceeding to any place south of the Equator with at least two chronometers and
- (d) with a fire engine in proper working order and of such dimensions and power and either with or without such other apparatus for extinguishing fire as the emigrating officer may approve and
- (e) with three bow anchor of such weight and with cables of such length size and material as in the judgment of the emigrating officer are sufficient for the size of the ship and
- (f) if a foreign ship with four properly fitted life boats capable of containing all hands for immediate use and
- (g)

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds

*Number of, and Accommodation for Passengers*

291. [*Regulations as to carrying of passengers generally—Rep 6 Edw 7, c. 48, s 85 Sch II*]

292 (1) The number of steerage passengers carried in an emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act

Limit of  
number of  
steorage  
passengers  
to be carried  
on emigrant  
ships

(2) If there is on board any emigrant ship at or after the time of clearance a greater number of steerage passengers than the number so limited (except as increased by births at sea), the master of the ship shall be liable to a fine not exceeding twenty pounds for each steerage passenger constituting such excess

293 (1) The regulations as to the accommodation for steerage passengers in the Eleventh Schedule to this Act relating to the construction of passenger decks, to berths, to hospitals, to privies, and to the supply of light and ventilation, shall be observed in the case of all emigrant ships as if they were contained in this section

Regulations  
as to accom-  
modation of  
steorage  
passengers

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds, except that the master shall alone be liable to the fine where he is in any such regulation expressed to be alone liable

294 (1) No part of the cargo, of the steerage passengers' luggage, or of the provisions, water or stores, whether for the use of the steerage passengers or of the crew, shall be carried on the upper deck or on the passenger decks, unless, in the opinion of the emigration officer at the port of clearance, the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers, nor unless the same is stowed and secured to the satisfaction of the emigration officer, and the space thereby occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers, shall (unless occupied by the said steerage passengers' luggage) be deducted in calculating the space by which the number of steerage passengers is regulated

Stowage of  
goods.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master or any of them shall for each offence be liable to a fine not exceeding three hundred pounds

*Provisions, Water, and Medical Stores*

295 (1) There shall be placed on board every emigrant ship for the steerage passengers provisions and water of good and wholesome quality and in

Supply of  
provisions  
and water

sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this Part of this Act

(2) In addition to the allowance of pure water for each steerage passenger water shall be shipped for cooking purposes sufficient to supply ten gallons for every day of the length of the voyage as determined under this Part of this Act for every one hundred statute adults on board

(3) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water not inferior in quality to the provisions and water provided for the steerage passengers.

(4) All such water and provisions shall be provided and stowed away by and at the expense of the owner charterer or master of the ship

(5) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner charterer or master of that ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds

(6) Before an emigrant ship is cleared outwards the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the steerage passengers and shall satisfy himself that the same are of good and wholesome quality and in sweet and good condition and in the quantities required by this Act.

(7) If the emigration officer considers that any part of the provisions or water is not of a good and wholesome quality or is not in sweet and good condition he may reject and mark the same or the packages or vessels in which it is contained and direct the same to be forthwith landed or emptied

(8) If the same are not forthwith landed or emptied or if after being landed the same or any part thereof are reshipped in the ship the owner charterer or master of the ship or any of them or if the same are shipped in any other emigrant ship then the person causing the same to be so shipped shall for each offence be liable to a fine not exceeding one hundred pound

296 (1) The water to be placed on board emigrant ships as hereinbefore provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance and the casks shall be sweet and tight of sufficient strength and if of wood properly charred inside and the staves shall not be made of fir pine or soft wood and each cask shall not be capable of containing more than three hundred gallons

(2) If any requirement of this section is not complied with in the case of any emigrant ship the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds

297 If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water and if a certificate to that effect is inserted in the master's book the master shall be sufficient to place on board at the port of clearance such quantity of water as

Mode of  
carrying  
water.

Provision  
for touching  
at intermediate  
ports  
to take in  
water

is required by this Part of this Act for the voyage to the intermediate port, subject to the following conditions ; that is to say,

- (i) the emigration officer at the port of clearance shall approve in writing the arrangement, and the approval shall be carried among the ship's papers, and shall be exhibited at the intermediate port and delivered on the arrival of the ship at her final port of discharge to the chief officer of customs, or British consular officer, as the case may be :
- (ii) if the length of either portion of the voyage, whether to the intermediate port, or from the intermediate port to the final port of discharge, is not determined under this part of this Act, the emigration officer at the port of clearance shall declare the same in writing as part of his said approval of the arrangement
- (iii) the ship shall have on board at the time of clearance such tanks and water casks of the description by this Part of this Act required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage

**298** (1) The master of every emigrant ship shall during the voyage, <sup>Issue of</sup> including the time of detention at any place before the termination thereof, <sup>water or</sup> issue to each steerage passenger, or where the steerage passengers are divided <sup>provisions</sup> into messes, to the headman for the time being of each mess, on behalf and <sup>during r</sup> voyage for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the dietary scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.

(2) The Board of Trade may, by notice published in the London Gazette, add to the dietary scales in the said schedule any dietary scale which in their opinion contains in the whole the same amount of wholesome nutriment as any scale in that schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said schedule as an alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scales so added, whichever is mentioned in the contract ticket of the steerage passengers

(3) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds

**299** [*Power of Board of Trade to exempt ships.*—*Rep. 6 Edw 7, c 48, s 85, Sch II* ]

**300** (1) The owner or charterer of every emigrant ship shall provide for <sup>Medical</sup> the use of the steerage passengers a supply of the following things (in this <sup>stores</sup> Part of this Act referred to as medical stores), namely, medicines, medical comforts, instruments, disinfectants, and other things proper and necessary for

diseases and accidents incident to sea voyages and for the medical treatment of the steerage passengers during the voyage with written directions for the use of such medical stores.

(2) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner when there is one on board to be used at his discretion.

(3) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

(4) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores and certified to the emigration officer that they are sufficient in quantity and quality or unless the emigration officer in case he cannot on any particular occasion obtain the attendance of a medical practitioner gives written permission for the purpose.

(5) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

#### *Dangerous Goods and Carriage of Cattle.*

regulations  
as to car-  
riage of  
dangerous  
goods, and  
of horses and  
cattle.

301 (1) Subject to the provisions of this Part of this Act as to military stores an emigrant ship shall not clear outwards or proceed to sea, if there is on board—

- (a) as cargo any article which is an explosive within the meaning of the Explosives Act 1875 or any vitriol lucifer matches, guano or green hides or
- (b) either as cargo or ballast, any article or number of articles which by reason of the nature quantity or mode of stowage thereof are either singly or collectively in the opinion of the emigration officer at the port of the clearance likely to endanger the health or lives of the steerage passengers or the safety of the ship or
- (c) as cargo horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act except they are carried on the conditions stated in that schedule, which shall have effect as if contained in this section.

33 & 39  
c. 17

(2) If any requirement of this section is not complied with in the case of any ship the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds

Carriage of  
military  
stores.

302 (1) A Secretary of State may by order under his hand, authorise the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and those stores may be carried accordingly

(2) The order shall be addressed to the emigration officer and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged

(3) The master shall comply with all the conditions and directions in the order, and, if he fails to do so, shall for each offence be liable to a fine not exceeding three hundred pounds

*Medical Officer, Staff, and Crew.*

303 (1) Subject to any regulations made by Order in Council under *Medical* this Part of this Act, a duly authorised medical practitioner shall be carried *practitioners.* on board an emigrant ship—

(a) where the number of steerage passengers on board exceeds fifty, and also

(b) where the number of persons on board (including cabin passengers, officers and crew) exceeds three hundred

(2) A medical practitioner shall not be considered to be duly authorised for the purposes of this Act unless—

(a) he is authorised by law to practice as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship in the country to which that ship belongs and

(b) his name has been notified to the emigration officer at the port of clearance, and has not been objected to by him and

(c) he is provided with proper surgical instruments to the satisfaction of that officer

(3) When the majority of the steerage passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner whether authorised or not may, if approved by the emigration officer, be carried therein

(4) Where a medical practitioner is carried on board an emigrant ship, he shall be rated on the ship's articles

(5) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds

(6) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorised, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding one hundred pounds.

<sup>1</sup>304 (1) Every emigrant ship, if carrying as many as one hundred steer- *Steerage* age passengers, shall carry a steerage steward, who shall be a seafaring man *passengers,* and rated in the ship's articles as steerage steward, and approved by the *stewards,* *cooks, and* *interpreters.*

<sup>1</sup>See 6 Edw 7, c 48, s 27.

emigration officer at the port, subsistence money at the rate of one shilling and six pence a day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money if recoverable under this Part of this Act, has been returned to him

Return of  
passage  
money to  
persons  
re-landed  
for medical  
reasons.

308 When a person has been re-landed from an emigrantship on account of the sickness of himself or of any member of his family and is not re-embarked or does not finally sail in that ship he or any emigration officer on his behalf shall be entitled, on delivery up of his contract ticket and notwithstanding that the ship has not sailed, to recover summarily in the case of a steerage passenger the whole, and in the case of a cabin passenger one-half of the money paid by or on account of the passenger and of the members of his family re-landed, from the person to whom the same was paid or from the owner charterer or master of the ship or any of them at the option of the person recovering the same

#### *Master's Bond*

Bond to be  
given by  
master of  
emigrant  
ship.

1309 (1) Before an emigrant ship clears outwards or proceeds to sea the master together with the owner or charterer or in the event of the owner or charterer being absent or being the master one other good and sufficient person approved by the chief officer of customs at the port of clearance shall enter into a joint and several bond in this Act referred to as the master's bond in the sum of two thousand pounds, to the Crown.

(2) The bond shall be executed in duplicate, and shall not be liable to stamp duty

(3) Where neither the owner nor the charterer of an emigrant ship resides in the British Islands the bond shall be for the sum of five thousand instead of two thousand pounds and shall contain an additional condition for the payment to the Crown as a Crown debt, of all expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination any steerage passengers carried in the ship who by reason of shipwreck or on any other cause except their own neglect or default are not conveyed by or on behalf of the owner charterer or master of the ship to their intended destination

Evidence  
of bond.

1310 (1) Where an emigrant ship is bound to a British possession the chief officer of customs at the port of clearance shall certify on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound and shall forward the same to the governor of the said possession, or to such person as the governor may appoint for that purpose.

(2) The certificate shall in any court of a British possession in which the bond may be put in suit be conclusive evidence of the due execution of the bond by the master and the other person bound and it shall not be necessary to prove the handwriting of the officer of customs who signed the certificate nor that he was at the time of signing it chief officer of customs at the port of clearance

(3) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession nor to the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands

### *Passengers' Lists*

311 (1) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea or on a colonial voyage as herein-before defined, shall, before demanding a clearance for his ship sign in duplicate a passengers' list, that is to say a list correctly setting forth the name and other particulars of the ship and of every passenger, whether cabin or steerage on board thereof Passengers' lists

(2) The passengers' list shall be countersigned by the emigration officer if there is one at the port and then delivered by the master to the officer of customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this Part of this Act referred to as the "master's list") and shall retain the other duplicate

(3) If any requirement of this section to be observed by the master is not complied with in the case of any ship or any passengers' list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds

312 (1) If at any time after the passengers' list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage), is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger Lists of passengers embarked after clearance

(2) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board

(3) If there is no officer of customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next port having such an officer at which the vessel arrives, to be dealt with as herein-before mentioned

(4) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from the emigration officer at the port that all the requirements of this Part of this Act have been complied with

(5) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds



Attempt to  
gain passage  
without  
payment.

313 (1) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the owner charterer or master thereof he and any person aiding and abetting him shall be liable to a fine not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding three months with or without hard labour

(2) Any person so found on board may without warrant, be taken before a justice of the peace to be dealt with according to law and that justice may try the case in a summary manner

#### *Certificate for Clearance.*

Certificate  
for clearance.

314 (1) A ship fitted or intended for the carriage of steerage passengers as an emigrant ship shall not clear outwards or proceed to sea until the master has obtained from the emigration officer at the port of clearance a certificate for clearance that is to say a certificate that all the requirements of this Part of this Act so far as the same can be complied with before the departure of the ship have been duly complied with and that the ship is in his opinion seaworthy in safe trim and in all respects fit for her intended voyage, and that the steerage passengers and crew are in a fit state to proceed and that the master's bond has been duly executed.

(2) If the emigration officer refuses to grant such certificate the owner or charterer of the ship may appeal in writing to the Board of Trade and that Board shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter at the expense of the appellant, and if the officers or persons so appointed grant the master of the ship under their joint hands a certificate to the same purport as the certificate for clearance it shall be of the same effect as a certificate for clearance.

Facilities to  
be given for  
the inspection  
of ships.

315 (1) The master of every ship whether an emigrant ship or not, which is fitted or intended for the carriage of steerage passengers, or which carries steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea or on a colonial voyage as herein-before defined, shall afford to the emigration officer at any port in Her Majesty's dominions and, in the case of British ships, to the British consular officer at any port elsewhere at which the ship is or arrives, every facility for inspecting the ship and for communicating with the steerage passengers and for ascertaining that this Part of this Act, so far as applicable to the ship, has been duly complied with

(2) If the master of any ship fails to comply with this section he shall for each offence be liable to fine not exceeding fifty pounds.

Ships putting  
back to re-  
plenish pro-  
visions, etc.

316 (1) If any emigrant ship after clearance is detained in port for more than seven days or puts into or touches at any port in the British Islands she shall not proceed to sea again until—

(a) there has been laden on board at the expense of the owner charterer or master of the ship such further supply of pure water wholesome provisions of the requisite kinds and qualities and medical

stores as is necessary to make up the full quantities of those articles required under this Part of this Act to be laden on board for the intended voyage; and

- (b) any damage which the ship has sustained has been effectually repaired, and
- (c) the master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure

(2) If any requirement of this section is not complied with in the case of any emigrant ship the master shall for each offence be liable to a fine not exceeding one hundred pounds

317 (1) If any emigrant ship, after clearance, puts into or touches at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back, and the condition of his ship and of her provisions, water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers

Emigrant ships putting back to be reported to emigration officer

(2) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds

318 (1) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court

Appeal to Court of Survey

(2) The judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this Part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.

(3) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event

(4) Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case if the said two persons agree there shall be no appeal to the court of survey in pursuance of this section

319 (1) If any emigrant ship—

- (a) proceeds to sea without the master having obtained the certificate for clearance, or
- (b) having proceeded to sea, puts into any port in the British Islands in a damaged state, and leaves or attempts to leave that port with steerage passengers on board without the master having obtained the proper certificate for clearance,

Forfeiture of ship proceeding to sea without certificate for clearance

that ship shall be forfeited to the Crown, and may be seized by any officer of customs if found within two years from the commission of the offence in any

port in Her Majesty's dominions and shall thereupon be dealt with as if she had been seized as forfeited under the laws relating to the customs

(2) The Board of Trade may release if they think fit, any such forfeited ship on payment to the use of the crown of such sum not exceeding two thousand pounds as the Board specify

### *Passengers Contracts*

Contract  
tickets for  
passengers.

320 (1) If any person, except the Board of Trade and persons acting for them and under their direct authority receives money from any person for or in respect of a passage as a steerage passenger in any ship or of a passage as a cabin passenger in any emigrant ship proceeding from the British Islands to any port out of Europe and not within the Mediterranean Sea, he shall give to the person paying the same a contract ticket signed by or on behalf of the owner charterer or master of the ship and printed in plain and legible characters

(2) The contract ticket shall be in a form approved by the Board of Trade and published in the London Gazette and any directions contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section

(3) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4) Contract tickets under this section shall not be liable to stamp duty

any  
ly for  
of  
contract.

321 (1) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may at the option of any passenger interested, whether a steerage or a cabin passenger be tried before a court of summary jurisdiction, and the court may award to the complainant such damages and costs as they think just not exceeding the amount of the passage money specified in the contract ticket and twenty pounds in addition.

(2) But if a passenger has obtained compensation or redress under any other provision of this Act he shall not be entitled to recover damages under this section in respect of the same matter

Penalty  
for failure  
to produce  
contract  
ticket.

322 If a passenger whether a steerage or a cabin passenger fails without reasonable cause on demand of any emigration officer to produce his contract ticket and if any owner charterer or master of a ship on like demand fails without reasonable cause to produce for the inspection of such emigration officer and for the purposes of this Act the counterpart of any contract ticket issued by him or on his behalf the passenger owner charterer or master as the case may be, shall for each offence be liable to a fine not exceeding ten pounds

Penalty for  
altering or  
inducing any  
one to part  
with con-  
tract ticket.

323 If any person after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence alters that ticket or induces any person to part with it or renders useless or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding twenty pounds.

*Regulations as to Steerage Passengers.*

324. Her Majesty may by Order in Council make regulations—

Sanitary and  
other regu-  
lations by  
Order in  
Council

- (i) for preserving order promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession, and
- (ii) for prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof, and
- (iii) for reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands, and
- (iv) for permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this Part of this Act, and
- (v) for requiring duly authorised medical practitioners to be carried in emigrant ships where they would not otherwise under this Part of this Act be required to be carried

325 (1) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid

Discipline on  
board

(2) If any person on board—

- (a) fails without reasonable cause to obey, or offends against, any such regulation or any provision of this Part of this Act, or
- (b) obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or
- (c) is guilty of riotous or insubordinate conduct,

that person shall for each offence be liable to a fine not exceeding two pounds, and in addition to imprisonment for any period not exceeding one month

326 (1) Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger

Sale of  
spirits pro-  
hibited on  
emigrant  
ships.

(2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding twenty pounds

*Maintenance after Arrival*

327 (1) Every steerage passenger in an emigrant ship shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship leaves the port in the further prosecution of her voyage

Maintenance  
of steerage  
passengers  
after arrival.

(2) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding five pounds.

*Detention and Wrongful Landing of Passengers*

Return of  
passage  
money and  
compensa-  
tion to pas-  
sengers when  
passage not  
provided ac-  
cording to  
contract.

328 Where a contract has been made by or on behalf of any steerage passenger for a passage in a ship proceeding on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or proceeding on any colonial voyage as defined by this Part of this Act, and—

<sup>1</sup>(1) the steerage passenger is at the place of embarkation before the hour appointed in his contract, or if no hour is appointed in the contract, before any hour fixed for the embarkation of which he has received not less than twenty four hours notice and]

(ii) the stipulated passage money has if required, been paid

then if the steerage passenger from any cause whatever [other than his own refusal, neglect, or default or the prohibition under this Act of an emigration officer or the requirement of an Order in Council],

(a) is not received on board the ship before the said hour or

(b) having been received on board, does not either obtain a passage in the ship to the port at which he has contracted to land or together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate herein after provided

the steerage passenger or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding ten pounds in respect of each such steerage passenger as is in the opinion of the Court a reasonable compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage and such money and sum may be recovered either from any person to whom or on whose account any money has been paid under the contract or if the contract has been made with the owner charterer or master of the ship or with any person acting on behalf or by the authority of any of them then at the option of the steerage passenger or emigration officer from the owner charterer or master or any of them

Subsistence  
in case of  
detention.

329 (1) If any ship whether an emigrant ship or otherwise does not actually put to sea and proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner charterer or master of the ship, or his agent or any of them shall until the ship finally proceeds on her voyage pay to every steerage passenger entitled to a passage in the ship or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence

<sup>1</sup> Substituted by 6 Edw 7 c. 48, s. 19 the old paragraph (i) being repealed: *Ibid.*, s. 25. Sch. II.

of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate, that is to say,

(a) for each of the first ten days of detention, one shilling and sixpence, and

(b) for every subsequent day, three shillings,  
for each statute adult

(2) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

(a) subsistence money shall not be payable for the first two days next after the said day of embarkation, and

(b) if the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention

330 If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds

Penalty for landing steerage passengers at wrong place

### *Provisions in case of Wreck*

331 (1) When any emigrant ship—

(a) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage and any steerage passengers have been brought back to any port in the British Islands, or

(b) has put into any port in the British Islands in a damaged state, the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect, that is to say,

(i) if the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof, will embark and convey the steerage passengers in some other eligible ship, to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken

(ii) if the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers

Provision in case of an emigrant ship being wrecked or damaged in or near British Islands.

(2) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the

steerage passengers or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port subsistence money at the rate of one shilling and sixpence a day for each statute adult

(3) If the substituted ship or the damaged ship as the case may be does not sail within the above-mentioned time or if default is made in compliance with any requirement of this section any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid or from the owner charterer or master of the ship at the option of the passenger or emigration officer

(4) The emigration officer may if he thinks it necessary direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof and if after that direction any steerage passenger refuses to leave the ship he shall for each offence be liable to a fine not exceeding forty shillings or to imprisonment not exceeding one month.

332 If any passenger whether a cabin or a steerage passenger is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk or otherwise destroyed, or if any such passenger is picked up at sea from any boat raft or otherwise it shall be lawful—

- (a) if the port to which such passenger (in this Act referred to as a wrecked passenger) is conveyed is in the United Kingdom, for a Secretary of State and
- (b) if the port is in a British possession, for the governor of that possession, or any person authorised by him for the purpose and
- (c) if the port is elsewhere for the British consular officer there to defray all or any part of the expenses thereby incurred.

333 (1) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound or at which he or the Board of Trade or any public officer or other person on his behalf has contracted that he should land it shall be lawful—

- (a) if the place is in a British possession for the governor of that possession or any person authorised by the governor for the purpose and
- (b) if the place is elsewhere for the British consular officer there to forward the passenger to his intended destination unless the master of the ship within forty-eight hours of the arrival of the passenger gives to the governor or consular officer as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination and forwards or conveys him accordingly within that period.

Expenses of  
rescue and  
conveyance  
of wrecked  
passengers.

Forwarding  
of passengers  
by governors  
or consuls.

(2) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this Part of this Act to the return of his passage money or to any compensation for loss of passage.

334 (1) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger or forwarding of a passenger to his destination, including the cost of maintaining the passenger until forwarded to his destination and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown from the owner, charterer, and master of the ship on board of which the passenger had embarked. Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers

(2) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the defendant specially pleads and duly proves that the certificate is false and fraudulent or that the expenses were not duly incurred under this Act.

(3) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

335 A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this Part of this Act made liable in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance. Validity of insurance of passage money

### *Voyages to the United Kingdom*

336 (1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by the master, and specifying the name, age, and calling of every steerage passenger embarked, and the port at which he embarked, and showing also any birth which has occurred amongst the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death. List of steerage passengers brought to the British Islands

(2) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding fifty pounds.

337 If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the Number of steerage passengers on ships



bringing passengers to British Islands.

case of emigrant ships proceeding from the British Islands the master of that ship shall, for each statute adult constituting such excess be liable to a fine not exceeding ten pounds

Provisions and water in ships carrying steerage passengers to British Islands.

338 (1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage including the time of detention, if any, at any port before the termination thereof pure water and good and wholesome provisions in a sweet condition in quantities not less than the amount required by this Part of this Act in the case of emigrant ships proceeding from the British Islands

(2) If any requirement of this section is not complied with in the case of any emigrant ship the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds

### *Registration of Births and Deaths*

Application to foreign ships carrying passengers provisions respecting registration of births and deaths.

339 Where a ship which is not a British ship carries passengers, whether cabin or steerage to or from any port of the United Kingdom as the port of destination or the port of departure of such ship the provisions of Part Two of this Act with respect to the registration of births and deaths occurring on board shall apply as if it were a British ship

### *Saving of Right of Action*

Saving of right of action on contract for passage.

340 Nothing in this Part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship or to any other person in respect of the breach or non performance of any contract made between or on behalf of such steerage passenger or other person and the master charterer or owner of any such ship or his agent or any passage broker

### *Passage Brokers*

Passage broker.

341 (1) Any person who sells or lets or agrees to sell or let or is in any wise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall for the purposes of this Part of this Act be a passage broker

(2) The acts and defaults of any person acting under the authority or as an agent, of a passage broker shall for the purposes of this Act be deemed to be also the acts and defaults of the passage broker

Passage brokers to enter into bond and obtain licence.

342 (1) A person shall not act directly or indirectly as a passage broker unless he—

- (a) has entered with two good and sufficient sureties approved by the emigration officer nearest to his place of business into a joint and several bond to the Crown in the sum of one thousand pounds, and
- (b) holds a licence for the time being in force to act as passage broker

(2) The bonds shall be renewed on each occasion of obtaining a licence, and shall not be liable to stamp duty, it shall be executed in duplicate, and one part shall be deposited at the office of the Board of Trade and the other part with the said emigration officer.

(3) The emigration officer may, in lieu of two securities, accept the bond of any guarantee society approved by the Treasury.

(1) There shall be exempted from this section—

(a) the Board of Trade, and any person contracting with them or acting under their authority, and

(b) any passage broker's agent duly appointed under this Act

(5) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

343. (1) Application for a licence to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business. Granting of licences to passage brokers

(2) The licensing authority, upon the applicant proving to their satisfaction that he—

(a) has entered into and deposited one part of such bond as is required by this Act, and

(b) has given to the Board of Trade at least fourteen days' clear notice of his intention to apply for a licence,

may grant the licence, and shall forthwith send to the Board of Trade notice of such grant

(3) The licensing authority shall be—

(a) in the administrative county of London, the justices of the peace at petty sessions,

(b) elsewhere in England, the council of a county borough or county district,

(c) in Scotland, the sheriff, and

(d) in Ireland, the justices in petty sessions

344 (1) A passage broker's licence shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted and for thirty-one days afterwards. Forfeiture of licence.

(2) Any court, when convicting a passage broker of an offence under this Part of this Act or of any breach or non-performance of the requirements thereof, may order that his licence be forfeited, and the same shall be forfeited accordingly.

(3) The court shall forthwith send to the Board of Trade a notice of any such order.

345 (1) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment signed by the passage broker, and countersigned by the emigration officer at the port nearest to the place of business of the passage broker. Passage broker's agents

(2) Every such agent shall upon request, produce his appointment to any emigration officer or to any person treating for a steerage passage under this Part of this Act.

(3) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding fifty pounds.

List of  
agents and  
runners to  
be exhibited  
by brokers,  
and sent to  
emigration  
officers.

346 (1) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters containing the names and addresses in full of every person for the time being authorised to act as his agent or as an emigrant runner for him, and shall on or before the fifth day or if that day be a Sunday on or before the fourth day in every month transmit a true copy of that list, signed by him to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty four hours of the same taking place

(2) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds

#### *Emigrant Runners*

emigrant  
runner.

347 If any person other than a licensed passage broker or his *bond fide* salaried clerk, in or within five miles of the outer boundaries of any port for hire or reward or the expectation thereof directly or indirectly conducts solicits influences or recommends any intending emigrant to or on behalf of any passage broker or any owner charterer or master of a ship or any keeper of a lodging house tavern or shop or any money changer or other dealer or chapman for any purpose connected with the preparations or arrangements for a passage or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration that person shall for the purposes of this Part of this Act be an emigrant runner

Emigrant  
runner's  
licence.

348 (1) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner and to carry on his business, may upon his application and on the recommendation in writing of an emigration officer or of the chief constable or other head officer of police in such place (but not otherwise) grant if they think fit, to the applicant a licence to act as emigrant runner

(2) The emigrant runner shall, within forty-eight hours after his licence is granted, lodge the same with the nearest emigration officer and that officer shall—

- (a) register the name and abode of the emigrant runner in a book to be kept for the purpose and number each name in arithmetical order and
- (b) upon receipt of a fee not exceeding seven shillings supply to the emigrant runner a badge of such form and description as the Board of Trade approved

but in case of a renewed licence, the officer need only note the renewal and its date in his registry book against the original entry of the emigrant runner's name

(3) An emigrant runner's licence shall remain in force until the thirty-first day of December in the year in which it is granted, unless sooner revoked by any justice for any offence against this Act or for any other misconduct committed by the holder of such licence, or unless forfeited under the provisions herein-after contained

(4) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book

349. Where an emigrant runner either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a mutilated or defaced state, and in either case pays such officer five shillings, the officer may, if he thinks fit, supply him with a new badge

350. (1) A person shall not—

- (a) act as an emigrant runner without being duly licensed and registered, or
- (b) retain or use any emigrant runner's badge not issued to him in manner by this Act required, or
- (c) counterfeit or forge any emigrant runner's badge, or
- (d) employ as an emigrant runner any person not duly licensed and registered

Penalties on persons acting without licence or badge, using badge, not lawfully issued, or employing unlicensed person

(2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds

351. (1) An emigrant runner—

- (a) shall while acting as an emigrant runner wear his badge conspicuously on his breast, and
- (b) shall lodge his licence with the emigration officer as required by this Act, and
- (c) on changing his abode, shall within forty-eight hours give notice of the change to the emigration officer of the port in which he is licensed to act, and
- (d) on losing his badge, shall within forty-eight hours give notice to such emigration officer of the loss, and
- (e) shall produce on demand his badge for inspection, or permit any person to take the number thereof, and
- (f) shall not mutilate or deface his badge, and
- (g) shall not wear his badge while unlicensed, and
- (h) shall not wear any other badge than that delivered to him by the emigration officer, and
- (i) shall not permit any other person to use his badge.

Penalties on emigrant runners for certain acts of misconduct.

(2) If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding forty shillings and if the court thinks fit to the forfeiture of his licence

Emigrant  
runners  
commission  
and fees.

353 (1) An emigrant runner shall not be entitled to recover from a passage broker any fee, commission or reward for or in consideration of any service connected with emigration unless he is acting under the written authority of that passage broker

(2) An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for procuring his steerage passage or in any way relating thereto and if he does so he shall for each offence be liable to a fine not exceeding five pounds

### *Frauds in procuring Emigration.*

Frauds in  
procuring  
passages.

[ 353 If any person by any false representation fraud or false pretence induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding three months.]

Penalties for  
fraud in  
connection  
with  
emigration.

354 If any person—

- (a) falsely represents himself to be or falsely assumes to act as, agent of the Board of Trade in assisting persons who desire to emigrate or
  - (b) sells any form of application embarkation order or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate or
  - (c) makes any false representation in any such application for assistance to the Board of Trade or a Secretary of State or in any certificate of marriage birth or baptism or other document or statement adduced in support of any such application or
  - (d) forges or fraudulently alters any signature or statement in any such application certificate document or statement or personates any person named therein or
  - (e) aids or abets any person in committing any of the foregoing offences
- that person shall for each offence be liable to a fine not exceeding fifty pounds.

### *Emigration Officers*

Emigration  
officers and  
assistants.

355 (1) In the British Islands the Board of Trade and in a British possession the governor of that possession may appoint and remove such emigration officers and assistant emigration officers as seem necessary for carrying this Part of this Act into execution under the direction of the Board or governor as the case may be

<sup>1</sup> Substituted by 6 Edw 7 c. 49, s. 4 the old section 353 being repealed 1913 s. 85 Sch. II.

(2) All powers, functions, and duties to be exercised or performed, and anything to be done in pursuance of this Part of this Act by, to, or before an emigration officer, may be exercised, performed, and done by, to, or before his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by, to, or before the chief officer of customs for the time being at such port, and in any such case it shall be the duty of the chief officer of customs to do anything which it is the duty of the emigration officer or his assistant to do

(3) A person lawfully acting as an emigration officer under this Act shall in no case be personally liable for the payment of any money or costs or otherwise in respect of any contract made, or of any legal proceedings for anything done, by him in his official capacity as an emigration officer and on the public service

### *Legal Proceedings*

356. All fines and forfeitures under the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall be sued for by the following officers, that is to say, Recovery of fines

- (a) any emigration officer,
- (b) any chief officer of customs, and also
- (c) in the British Islands, any person authorised by the Board of Trade and any officer of customs authorised by the Commissioners of Customs, and
- (d) in a British possession any person authorised by the governor of that possession, or any officer of customs authorised by the Government department regulating the customs in that possession

357. All sums of money made recoverable by this Part of this Act in respect of passage money, subsistence money, damages, compensation or costs, may be sued for and recovered before a court of summary jurisdiction by any person entitled thereto or by any of the officers in the last preceding section mentioned on behalf of any one or more of such persons, and in any case either by one or several proceedings Recovery of passage and subsistence money, compensation, and damages.

358. The Public Authorities Protection Act, 1893, shall for the purposes of the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) apply to the whole of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction Protection of persons executing Act.

### *Supplemental*

359. (1) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof Owner responsible for default in absence of agreement

(2) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled,

in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs

Forms and fees.

360 (1) The forms set out in the Fourteenth Schedule to this Act or forms as near thereto as circumstances admit shall be used in all cases to which such forms are applicable

(2) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II of the Ninth Schedule to this Act not exceeding those specified therein

(3) If any person employed under this Part of this Act demands or receives, directly or indirectly otherwise than by the direction of the Board of Trade any fee remuneration or gratuity whatever in respect of any duty performed by him under this Part of this Act he shall for each offence be liable to a fine not exceeding fifty pounds.

Posting of abstracts of Part III in emigrant ships.

<sup>1</sup> 361 (1) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act and of any Order in Council made thereunder and four copies of the abstracts together with a copy of this Part of this Act, shall on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.

(2) The master shall, on request produce a copy of this Part of this Act to any steerage passenger for his perusal and shall before the embarkation of the steerage passengers, post copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship

(3) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the abstracts fail to be so posted.

(4) If any person displaces or defaces any copy of the abstracts posted under this section, he shall for each offence be liable to a fine not exceeding forty shillings

Bye-laws by harbour authority

362 (1) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships are despatched, may with approval of a Secretary of State make bye-laws —

- (a) for specifying the docks basins or other places at which persons arriving by sea at the port for the purpose of emigration or actually emigrating therefrom shall be landed and embarked
- (b) for regulating the mode of their landing and embarkation
- (c) for the storing and safe custody of their luggage
- (d) for licensing porters to carry their luggage or otherwise attend upon them and
- (e) for admitting persons to and excluding persons from access to the docks and basins.

<sup>1</sup> For further obligations of the master see 6 Edw 7 c. 43, s. 18.

(2) The authority may attach a fine not exceeding five pounds to a breach of any such bye-law and instead of an emigration officer the authority shall sue for and recover the fine

(3) The authority making a bye-law, under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the bye-law and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner

(4) A bye-law made under the section shall be published in the London Gazette

363. Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate which shall have the same effect as if given upon survey under this Part of this Act:

Exemption  
from survey  
of foreign  
passenger  
steamer or  
emigrant ship  
in certain  
cases

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships

#### *Application of Part III as regards Emigrant Ships*

364. The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea

Application  
to certain  
voyages

365. (1) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—

Limited  
application  
of Part III  
of Act to  
colonial,  
voyages.

- (a) master's bond,
- (b) steerage passengers' contract tickets,
- (c) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation,
- (d) passage brokers,
- (e) emigrant runners, and
- (f) posting of abstracts, and production of a copy, of this Part of this Act,

shall not apply.



(2) Where the duration of a colonial voyage as determined under this Part of this Act is less than three weeks the enactments relating to—

- (a) the regulations scheduled to this Act as to the accommodation for steerage passengers
- (b) medical practitioner stewards cooks, cooking apparatus, and manning with an efficient crew and
- (c) maintenance of steerage passengers after arrival,

shall also not apply

(3) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks the enactments relating to the issue of provisions shall not except as to the issue of water apply to any steerage passenger who has contracted to furnish his own provisions.

Modification  
of provisions  
of Part III  
in their  
application  
to British  
possessions.

366 (1) The governor of a British possession may by proclamation,—

- (a) determine what shall be deemed for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port and
- (b) fix dietary scales for steerage passengers during the voyage and
- (c) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.

(2) Every such proclamation shall take effect from the issue thereof and shall have effect without as well as within the possession as if enacted in this Part of this Act.

(3) The governor of a British possession may authorise such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.

(4) The governor of a British possession may authorise any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage

Power of  
governors of  
colonies as  
to numbers  
of steerage  
passengers.

367 (1) The governor of each of the Australasian Colonies, that is to say New South Wales, Victoria South Australia, Western Australia Queensland Tasmania New Zealand, and any colony hereafter established in Australia may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining on what deck or decks and subject to what reservations or conditions a steerage passenger may be carried in such ship

(2) The governor of any British possession may if he thinks fit declare by proclamation that ships intended to pass within the tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.

(3) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as

well as within the possession as if it were enacted in this Part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.

(1) The provisions of the Tenth Schedule to this Act, with respect to the number of superficial feet to be allowed to each steerage passenger, shall not apply to any ship proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

368. (1) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India except as in this section provided.

Power for  
legislature  
of India to  
apply  
Part III

(2) The Governor General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever, and may for the purposes of this Part of this Act—

(a) fix dietary scales for the voyage, and authorise the substitution of those scales for the scale enacted by this Act,

(b) determine what shall be deemed to be the length of any such voyage;

(c) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands,

(d) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India, and

(e) authorise the employment on board any ship of a medical practitioner duly qualified according to Indian law, and

(f) provide for the recovery and application in British India of fines and sums of money under this Part of this Act,

and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.

(3) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in British India.

#### PART IV.

##### FISHING BOATS

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<sup>1</sup> Section 372 provides that "this Part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British possession." The Part appears to have no application to India, and is, therefore, omitted.

## PART V

## SAFETY

*Prevention of Collisions*Collision  
regulations.

418 (1) Her Majesty may on the joint recommendation of the Admiralty and the Board of Trade by Order in Council make regulations for the prevention of collisions at sea and may thereby regulate the lights to be carried and exhibited the fog signals to be carried and used, and the steering and sailing rules to be observed by ships, and those regulations (in this Act referred to as the collision regulations) shall have effect as if enacted in this Act

(2) The collision regulations together with the provisions of this Part of this Act relating thereto or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction and in any case arising in a British court concerning matters arising within British jurisdiction foreign ships shall so far as respects the collision regulations and the said provisions of this Act be treated as if they were British ships.

Observance  
of collision  
regulations.

419 (1) All owners and masters of ships shall obey the collision regulations and shall not carry or exhibit any other lights or use any other fog signals than such as are required by those regulations

(2) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship that master or owner shall, in respect of each offence be guilty of a misdemeanor

(3) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary

(4) [*Rep 1 & 2 Geo 5 c 57 s 4 (I)*]

(5) The Board of Trade shall furnish a copy of the collision regulation to any master or owner of a ship who applies for it

Inspection  
as to lights  
and fog  
signals.

420 (1) A surveyor of ships may inspect any ship British or foreign for the purpose of seeing that the ship is properly provided with light and the means of making fog signals in conformity with the collision regulation and if the surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency and also what is in his opinion requisite in order to remedy the same

(2) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs at any port at which the ship may seek to obtain a clearance or transire and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals in conformity with the collision regulations

(3) For the purpose of an inspection under this section a surveyor shall have all the powers of a Board of Trade inspector under this Act.

(4) Where the certificate as to lights and fog signals is refused, an owner may appeal to the court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court

(5) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and of this Act as to lights and fog signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by them to grant, the certificate

(6) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event

(7) A surveyor in making an inspection under this section shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey

(8) Such fees as the Board of Trade may determine shall be paid in respect of an inspection of lights and fog signals under this section not exceeding those specified in the Sixteenth Schedule to this Act

421. (1) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect Saving for local rules of navigation in harbours, etc

(2) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

422. (1) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers (if any), Duty of vessel to assist the other in case of collision

(a) to render to the other vessel, her master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(b) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound

(2) [*Rep 1 & 2, Geo 5, c 57, s 4 (2)*]

(3) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanor, and, if he is a

certificated officer an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Collisions to be entered in official log

423 (1) In every case of collision in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof and of the circumstances under which the same occurred, to be entered in the official log book (if any) and the entry shall be signed by the master and also by the mate or one of the crew

(2) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Application of collision regulations to foreign ships.

424. Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction Her Majesty may by Order in Council direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order apply to the ships of the said foreign country whether within British jurisdiction or not and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

#### *Report of Accidents and Loss of Ship.*

Report to Board of Trade of accidents to steamships.

425 (1) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery the owner or master shall within twenty four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Board of Trade by letter signed by the owner or master a report of the accident or damage, and of the probable occasion thereof stating the name of the ship her official number (if any) the port to which she belongs and the place where she is

(2) If the owner or master of a steamship fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding fifty pounds

(3) This section shall apply to all British ships and to all foreign steam ships carrying passengers between places in the United Kingdom

Notice of loss of British ship to be given to the Board of Trade.

426 (1) If the managing owner or in the event of there being no managing owner the ship's husband of any British ship has reason owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost he shall as soon as conveniently may be send to the Board of Trade notice in writing of the loss and of the probable occasion thereof stating the name of the ship her official number (if any) and the port to which she belongs

(2) If a managing owner or ship's husband fails without reasonable cause to comply with this section within a reasonable time he shall for each offence be liable to a fine not exceeding fifty pounds

*Life-saving Appliances* <sup>1</sup>

427. (1) The Board of Trade may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters, Rules as to life saving appliances  
namely —

(a) the arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried,

(b) the number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water, which methods may include oil for use in stormy weather, and

(c) the quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys

(2) All such rules shall be laid before Parliament so soon as may be after they are made, and shall not come into operation until they have laid for forty days before both Houses of Parliament during the session of Parliament, and on coming into operation shall have effect as if enacted in this Act.

(3) Rules under this section shall not apply to any fishing boat for the time being entered in the fishing boat register under Part IV of this Act

428. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers. Duties of owners and masters as to carrying life-saving appliances.

429. (1) For the purpose of preparing and advising on the rules for life-saving appliances, the Board of Trade may appoint a committee, the members of which shall be nominated by the Board in accordance with the Seventeenth Schedule to this Act. Appointment of consultative committee for framing rules

(2) A member of the committee shall hold office for two years from the date of his appointment, but shall be eligible for re-appointment

(3) There shall be paid to the members of the committee, out of the Mercantile Marine Fund, such travelling and other allowances as the Board of Trade may fix

(4) Her Majesty may, by Order in Council, alter the Seventeenth Schedule to this Act

<sup>1</sup> For the application of ss 427 to 431 to foreign ships, see 6 Edw 7, c 48, s. 4.

Penalty for  
breach of  
rules.

430 (1) In the case of any ship—

- (a) If the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship or
- (b) If any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master or
- (c) If the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion or
- (d) If such appliances are not kept so as to be at all times fit and ready for use

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding one hundred pounds and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding fifty pounds

(2) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act or otherwise to any other or higher fine or punishment than is provided by those enactments provided that a person shall not be punished twice for the same offence

(3) If the court before whom a person is charged with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act or otherwise the court may adjourn the case to enable such proceedings to be taken

Survey of  
ship with  
respect to  
life-saving  
appliances.

431 (1) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under this Act

(2) If the said surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency and also pointing out what in his opinion is requisite to remedy the same

(3) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act

#### *General Equipment*

Adjustment  
of compasses  
and provision  
of hose.

432 (1) Every British sea-going steamship if employed to carry passengers shall have her compasses properly adjusted from time to time and every British sea-going steamship not used wholly as a tug shall be provided with

a hose capable of being connected with the engines of the ship and adapted for extinguishing fire in any part of the ship.

(2) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

433. A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds Placing undue weight on safety valves.

### *Signals of Distress.*

434. (1) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress Signals of distress.

(2) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable

435. (1) Where a ship is a sea-going passenger steamer or emigrant ship within the meaning of the Third Part of this Act, the ship shall be provided to the satisfaction of the Board of Trade— Provision of signals of distress, inextinguishable lights, and life buoys.

(a) with means for making the said signals of distress at night, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve, and

(b) with a proper supply of lights inextinguishable in water, and fitted for attachment to life buoys

(2) If any such ship goes to sea from any port of the United Kingdom without being provided as required by this section, then for each default in any of the above requisites, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

### *Draught of Water and Load-Line* <sup>1</sup>

436. (1) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose, to record, in such manner and with such particulars as they Ship's draught of water to be recorded.

<sup>1</sup> As to the application of ss 437 to 443 to foreign ships while within any port in the United Kingdom, See 6 Edw 7, c 48, s 1.



direct, the draught of water of any sea going ship as shown on the scale of feet on her stern and stern post, and the extent of her clear side in feet and inches upon her leaving any dock wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record and shall forward a copy thereof to the Board of Trade.

(2) That record or copy if produced out of the custody of the Board of Trade shall be admissible in evidence in manner provided by this Act.

(3) The master of every British sea-going ship shall upon her leaving any dock wharf port or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in the official log book (if any) and shall produce the record to any chief officer of customs whenever required by him and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4) The master of a sea going ship shall, upon the request of any person appointed to record the ship's draught of water permit that person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of the record and if any master fails to do so or impedes or suffers anyone under his control to impede any person so appointed in the execution of his duty he shall for each offence be liable to a fine not exceeding five pounds.

(5) In this section the expression clear side means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured and the measurement of the clear side is to be taken at the lowest part of the side

Marking of  
deck lines.

437 (1) Every British ship (except ships under eighty tons register employed solely in the coasting trades, ships employed solely in fishing and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession) shall be permanently and conspicuously marked with lines (in this Act called deck lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable and indicating the position of each deck which is above water.

(2) The upper edge of each of the deck lines must be level with the upper side of the deck plank next the waterway at the place of marking

(3) The deck lines must be white or yellow on a dark ground or black on a light ground

(4) In this section the expression amidships means the middle of the length of the load water line as measured from the fore side of the stem to the aft side of the stern post

Marking of  
load-line.

438 (1) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under eighty tons register employed solely in the coasting trade,<sup>1</sup> ships employed solely in fishing and pleasure

<sup>1</sup> As to steamships, see 6 Edw 7 c. 43, s. 7

yachts) shall, before the time hereinafter mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre

(2) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship

(3) The position of the disc shall be fixed in accordance with the tables used at the time of the passing of this Act by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the Board of Trade

(4) In approving any such modifications the Board of Trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the Board of Trade, as hereinafter mentioned, for the purpose of approving and certifying the position of the load-line

1439 If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this Part of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship

Ships with submerged load-lines deemed unsafe

1440 (1) Where a ship proceeds on any voyage from a port in the United Kingdom for which the owner is required to enter the ship outwards, the disc indicating the load-line shall be marked, before so entering her, or, if that is not practicable, as soon afterwards as may be

Time, etc., for marking of load-line in case of foreign-going vessels

(2) The owner of the ship shall upon entering her outwards insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck lines which is above that centre, and if default is made in inserting that statement, the ship may be detained

(3) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a superintendent shall not proceed with the engagement of the crew until that entry is made

(4) The master of the ship shall also enter a copy of that statement in the official log book

(5) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked <sup>1</sup> [or, if the mark has been altered abroad in accordance with regulations made by the Board of Trade

<sup>1</sup> See 6 Edw 7, c 48, s. 8

for the purpose marked with the mark as so altered] until her next return to a port of discharge in the United Kingdom

Time, etc.  
for marking  
of load  
line in  
case of  
coasting  
vessels.

441 (1) Where a ship employed in the coasting trade is required to be marked with the disc indicating the load line she shall be so marked before the ship proceeds to sea from any port and the owner shall also once in every twelve months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck lines which is above that centre.

(2) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck lines.

(3) If default is made in transmitting or delivering any notice or statement under this section the owner shall for each offence be liable to a fine not exceeding one hundred pounds

(4) When a ship to which this section applies has been marked with a disc indicating the load line she shall be kept so marked until notice is given of an alteration.

442 (1) If—

—, for  
fines in  
relation to  
marking of  
load-line.

(a) any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this Part of this Act required or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load line or

(b) any person conceals removes alters, defaces or obliterates, or suffers any person under his control to conceal remove, alter deface or obliterate any of the said marks except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy

he shall for each offence be liable to a fine not exceeding one hundred pounds

(2) If any mark required by this Part of this Act is in any respect inaccurate so as to be likely to mislead the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds

Regulations  
as to load  
line.

443 (1) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping approved by the Board of Trade or any officer of the Board of Trade specially selected by the Board for that purpose to approve and certify on their behalf from time to time the position of any disc indicating the load line and any alteration thereof and may appoint fees to be taken in respect of any such approval or certificate.

<sup>1</sup>(2) The Board of Trade may make regulations—

- (a) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that this Part of this Act is to have effect as if any such line were drawn through the centre of the disc, and
- (b) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise, and
- (c) as to the mode of application for, and form of, certificates under this section, and
- (d) requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries

(3) All such regulations shall, while in force have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each offence be liable to a fine not exceeding one hundred pounds

<sup>1</sup>(4) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of customs under the provisions herein-before contained

444. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this Part of this Act relating to load-lines, and is equally effective for ascertaining and determining the maximum load-lines to which those ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, Her Majesty in Council may declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Part of this Act

Provision as to colonial ships with respect to load-lines.

445 (1) Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to over-loading and improper loading are equally effective with the provisions of this Act relating thereto, Her Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of this Act, nor shall there arise any

Provision as to foreign ships with respect to load-lines.

liability to any fine or penalty which would otherwise arise for non-compliance with those provisions

(2) Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

### *Dangerous Goods*

Restrictions  
on carriage  
of dangerous  
goods.

446 (1) A person shall not send or attempt to send by any vessel, British or foreign and a person not being the master or owner of the vessel shall not carry or attempt to carry in any such vessel any dangerous goods without distinctly marking their nature on the outside of the package containing the same and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2) If any person fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding one hundred pounds or if he shows that he was merely an agent in the shipment of any such goods as aforesaid and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, then not exceeding ten pounds.

(3) For the purpose of this Part of this Act the expression dangerous goods means aquafortis, vitriol, naphtha, benzene, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the Explosives Act 1875 and any other goods which are of a dangerous nature 38 & 39 Vict.

Penalty for  
misdescription  
of  
dangerous  
goods.

447 A person shall not knowingly send or attempt to send by or carry or attempt to carry in any vessel, British or foreign, any dangerous goods under a false description and shall not falsely describe the sender or carrier thereof and if he acts in contravention of this section he shall for each offence be liable to a fine not exceeding five hundred pounds.

Power to  
deal with  
goods sus-  
pected of  
being dan-  
gerous.

448 (1) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.

(2) Where any dangerous goods or any goods, which in the judgment of the master or owner of the vessel are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard together with any package or receptacle in which they are contained and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

Forfeiture  
of dangerous  
goods improp-  
erly sent

449 (1) Where any dangerous goods have been sent or carried or attempted to be sent or carried on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid,

said, or under a false description, or with a false description of the sender or carried or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the court direct

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong. nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited

450. The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter

Saving for other enactments relating to dangerous goods

#### *Loading of Timber*

451 [*Loading of timber*—*Rep 6 Edw 7, c 48, s 35, Sch II*]

#### *Carriage of Grain*

1452 (1) Where a grain cargo is laden on board any British ship, all necessary and reasonable precautions (whether mentioned in this Part of this Act or not) shall be taken in order to prevent the grain cargo from shifting

Obligation to take precautions to prevent grain cargo from shifting

(2) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof

453 (1) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade

Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America

(2) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any

<sup>1</sup> As to application to foreign ships, see *Edw 7, c 48, s 3*, as to summary trial, see *Ibid*, s 11

agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this Part of this Act

(3) Nothing in this section shall exempt a person from any liability civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which although not mentioned in this section are reasonably required to prevent grain cargo from shifting

Notice by  
master of  
kind and  
quantity of  
grain cargo.

1454 (1) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar or laden with grain cargo on the coast of North America leaves her final port of loading or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer or if the port is in a British possession to the chief officer of customs at that port, a notice stating—

(a) the draught of water and clear side as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading and

(b) the following particulars in respect to the grain cargo namely

(i) the kind of grain and the quantity thereof which quantity may be stated in cubic feet or in quarters, or bushels, or in tons weight and

(ii) the mode in which the grain cargo is stowed and

(iii) the precautions taken against shifting

(2) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom together with the report required to be made by the Customs Consolidation Act, 1876 on the arrival of the ship in the United Kingdom 39 and  
Vict.,

(3) Every such notice shall be sent to the Board of Trade, as soon as practicable by the officer receiving the same.

(4) If the master fails to deliver any notice required by this section or if in any such notice he wilfully makes a false statement or wilfully omits a material particular he shall for each offence be liable to a fine not exceeding one hundred pounds.

(5) The Board of Trade may by notice published in the London Gazette or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

Power of  
Board of  
Trade for  
enforcing  
provisions as  
to carriage  
of grain.

2455 For securing the observance of the provisions of this Part of this Act with respect to grain cargo any officer having authority in that behalf from the Board of Trade either general or special shall have power to inspect any grain cargo and the mode in which the same is stowed and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

<sup>1</sup> As to application to foreign ships, see 6 Edw 7 c. 48, s. 3; as to summary trial, see *ibid.*, s. 11.  
<sup>2</sup> As to application to foreign ships, see 6 Edw 7 c. 48, s. 3.

456 For the purpose of the provisions of this Part of this Act with respect to grain cargo—

Definition  
of grain,  
etc

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts or nut kernels

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage

### *Unseaworthy Ships*

457 (1) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness

Sending un-  
seaworthy  
ship to sea  
a mis-  
demeanor.

(2) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness

(3) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the governor of the British possession in which the prosecution takes place.

(4) A misdemeanor under this section shall not be punishable upon summary conviction

(5) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession

458 (1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage

Obligation of  
shipowner  
to crew with  
respect to use  
of reasonable  
efforts to  
secure sea-  
worthiness.



at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section—

- (a) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances the sending of the ship to sea in such a state was reasonable and justifiable or
- (b) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Power to detain unsafe ships, and procedure for detention.

459 (1) Where a British ship being in any port in the United Kingdom is an unsafe ship that is to say is by reason of the defective condition of her hull equipments, or machinery <sup>1</sup>[or by reason of under manning] or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed,<sup>1</sup> [or for ascertaining the sufficiency of her crew] and either finally detained or released as follows —

- (a) The Board of Trade if they have reason to believe on complaint or otherwise that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.
- (b) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.
- (c) The Board of Trade on receiving the report may either order the ship to be released or if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations or the unloading or reloading of cargo <sup>1</sup>[or the manning of the ship] as the Board think necessary for the protection of human life and the Board may vary or add to any such order
- (d) Before the order for final detention is made a copy of the report shall be served upon the master of the ship and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court.
- (e) Where a ship has been provisionally detained the owner or master of the ship at any time before the person appointed under this

<sup>1</sup> For the insertion of these words, see 60 & 61 Vict. c. 59.

section to survey the ship, makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section

(f) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(g) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions

(2) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer), shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed and of appointing a person or persons to survey her, and if he thinks that a ship so detained by him is not unsafe, may order her to be released

(3) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed

(6) The Board of Trade may, with the consent of the Treasury, appoint fit persons to act as detaining officers under this section, and may remove any such officer, and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly

460 (1) If it appears that there was not reasonable and probable cause, <sup>Liability</sup> by reason of the condition of the ship or the act or default of the owner, for <sup>for costs</sup> the provisional detention of a ship under this Part of this Act as an unsafe <sup>and damages.</sup> ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act or if it appears that a ship provisionally detained was at the time of that detention an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship and those costs shall, without prejudice to any other remedy be recoverable as salvage is recoverable

(3) For the purpose of this section the costs of and incidental to any proceeding before a court of survey and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade shall be part of the costs of the detention and survey of the ship and any dispute as to the amount of those costs may be referred to one of the officers following namely in England or Ireland to one of the masters or registrars of the High Court and in Scotland to the Auditor of the Court of Session and the officer shall, on request by the Board of Trade ascertain and certify the proper amount of those costs.

(4) An action for any costs or compensation payable by the Board of Trade under this section may be brought against the Secretary of that Board by his official title as if he were a corporation sole and if the cause of action arises in Ireland and the action is brought in the High Court that Court may order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland in such manner and on such terms respecting extension of time and otherwise as the Court thinks fit, and that that service shall be sufficient service of the summons or writ upon the Secretary of the Board of Trade.

461 (1) Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe the Board or officer may if they or he think fit require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned

(2) Provided that such security shall not be required where the complaint is made by one-fourth being not less than three of the seamen belonging to the ship and is not in the opinion of the Board or officer frivolous or vexatious and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

1462	Where a foreign ship	2*	*	*	*	*	at a
	port in the United Kingdom,	*	13	**	*	*	unsafo

Application  
to foreign  
ships of pro-

<sup>1</sup> For additional grounds for detention, see 8 Fed. 7 & 49, 2.

\* Words repealed by 6 Edw 7 c. 43, s. 85, Sch. II.

by reason of overloading or improper loading,<sup>1</sup>[or by reason of under-manning] the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications —

Provisions as to detention.

- (i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port,
- (ii) where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is herein-before provided in the case of a British ship, and
- (iii) where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade

463 (1) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed

Survey of ship alleged by seamen to be unseaworthy

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification

(3) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by

<sup>1</sup> For the insertion of these words see 60 & 61 Vict., c. 59, s. 1(2) For the insertion of the words "by reason of the defective condition of her hull, equipments or Machinery, or" see 6 Edw 7 c. 48, s. 2.

the Board of Trade or if such a surveyor or person cannot be obtained without unreasonable expense or delay or is not in the opinion of the court, competent to deal with the special circumstances of the case then any other impartial surveyor appointed by the court and having no interest in the ship her freight or cargo to survey the ship and to answer any question concerning her which the court think fit to put

(4) Such surveyor or other person shall survey the ship and make his written report to the court including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous shall determine the questions before them in accordance with those opinions

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act

(6) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them and shall be paid in the first instance out of the Mercantile Marine Fund.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient as the case may be the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made and may be deducted by the master or owner out of the wages due or to become due to that person and shall be paid over to the Board of Trade

(8) If it is proved that the ship is not in a fit condition to proceed to sea or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Board of Trade and shall be liable to pay to the seaman or apprentice who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award

## PART VI.

### SPECIAL SHIPPING INQUIRIES AND COURTS

#### *Inquiries and Investigations as to Shipping Casualties*

Shipping  
casualties.

464 For the purpose of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur —

- (1) when on or near the coasts of the United Kingdom any ship is lost abandoned or materially damaged
- (2) when on or near the coasts of the United Kingdom any ship has been stranded or damaged and any witness is found in the United Kingdom
- (3) when on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship

- (4) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom,
- (5) when in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom,
- (6) when in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom,
- (7) when any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of

465 (1) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons, namely — Preliminary inquiry into shipping casualties.

- (a) where the shipping casualty occurs on or near the coasts of the United Kingdom by the inspecting officer of the coast-guard or chief officer of customs residing at or near the place at which the casualty occurs, or
- (b) where the shipping casualty occurs elsewhere, by the inspecting officer of the coast-guard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined, or
- (c) in any case by any person appointed for the purpose by the Board of Trade

(2) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act

466 (1) A person authorized as aforesaid to make a preliminary enquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and the court shall thereupon hold the formal investigation Formal investigation of shipping casualties

(2) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation

(3) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this Part of this Act with regard thereto

(4) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate

the Board of Trade or if such a surveyor or person cannot be obtained without unreasonable expense or delay or is not in the opinion of the court competent to deal with the special circumstances of the case then any other impartial surveyor appointed by the court and having no interest in the ship her freight or cargo to survey the ship and to answer any question concerning her which the court think fit to put

(4) Such surveyor or other person shall survey the ship and make his written report to the court including an answer to every question put to him by the court and the court shall cause the report to be communicated to the parties and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous shall determine the questions before them in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act

(6) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them and shall be paid in the first instance out of the Mercantile Marine Fund.

(7) If it is proved that the ship is in a fit condition to proceed to sea or that the accommodation is sufficient as the case may be the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made and may be deducted by the master or owner out of the wages due or to become due to that person and shall be paid over to the Board of Trade

(8) If it is proved that the ship is not in a fit condition to proceed to sea or that the accommodation is insufficient as the case may be the master or owner of the ship shall pay the costs of the survey to the Board of Trade and shall be liable to pay to the seaman or apprentice who has been detained in consequence of the said proceeding before the court under this section such compensation for his detention as the court may award

## PART VI.

### SPECIAL SHIPPING INQUIRIES AND COURTS

#### *Inquiries and Investigations as to Shipping Casualties*

Shipping  
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- (1) when on or near the coasts of the United Kingdom any ship is lost abandoned or materially damaged
- (2) when on or near the coasts of the United Kingdom any ship has been stranded or damaged and any witness is found in the United Kingdom
- (3) when on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship

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<sup>1</sup> As to appeals see 6 Edw 7 c. 43, ss. 64, 65

- (4) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom,
- (5) when in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom,
- (6) when in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom,
- (7) when any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of

465 (1) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons, namely — Preliminary inquiry into shipping casualties.

- (a) where the shipping casualty occurs on or near the coasts of the United Kingdom by the inspecting officer of the coast-guard or chief officer of customs residing at or near the place at which the casualty occurs, or
- (b) where the shipping casualty occurs elsewhere, by the inspecting officer of the coast-guard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined, or
- (c) in any case by any person appointed for the purpose by the Board of Trade

(2) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act

466 (1) A person authorized as aforesaid to make a preliminary enquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and the court shall thereupon hold the formal investigation Formal investigation of shipping casualties

(2) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation.

(3) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this Part of this Act with regard thereto

(4) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate



or engineer the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service

(5) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case and to render such assistance to the court as is in his power

(6) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the court thereon accompanied by such report of or extracts from the evidence and such observations as the court think fit

(7) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent

(8) The court may make such order as the court think fit respecting the costs of the investigation or any part thereof and such order shall be enforced by the court as an order for costs under the Summary Jurisdiction Acts

(9) The Board of Trade may if in any case they think fit so to do pay the costs of any such formal investigation

(10) For the purposes of this section the court holding a formal investigation shall have all the powers of a court of summary jurisdiction when acting as a court in exercise of their ordinary jurisdiction.

(11) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence

(12) Formal investigations into shipping casualties under this section shall be held in some town hall assize or county court or public building, or in some other suitable place to be determined according to rules made under this Part of this Act with regard thereto and, unless no other suitable place is in the opinion of the Board of Trade available shall not be held in a court ordinarily used as a police court and all enactments relating to the court shall for the purposes of the investigation have effect as if the place at which the court is held were a place appointed for the exercise of the ordinary jurisdiction of the court

(13) Where an investigation is to be held in Scotland the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

List of  
assessors.

467 (1) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only but persons whose names are on any such list may be approved for any subsequent list.

(2) The Secretary of State may at any time add or withdraw the name of any person to or from the list

(3) The list of assessors in force at the passing of this Act shall subject as aforesaid continue in force till the end of the year one thousand eight hundred and ninety five

468. When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly

*Inquiry in case of loss of life from fishing vessel's boat.*

*Power as to Certificates of Officers, etc.*

469. The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence

*Power of Board of Trade as to certificate.*

470. (1) The certificate of a master, mate, or engineer may be cancelled or suspended—

*Power of court of investigation or inquiry as to certificates.*

(a) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court

(b) by a court holding an inquiry under this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act

(c) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court

(2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof

(3) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate

471. (1) If the Board of Trade, either on the report of a local marine board or otherwise, have reason to believe that any master, mate or certifi-

*Inquiry into conduct of*

certificated  
officer.

ated engineer, is from incompetency or misconduct unfit to discharge his duties or that in the case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act the Board may cause an inquiry to be held.

(2) The Board may either themselves appoint a person to hold the inquiry or direct the local marine board at or nearest the place at which it is convenient for the parties or witnesses to attend to hold the same or where there is no local marine board before which the parties and witnesses can conveniently attend, or the local marine board is unwilling to hold the inquiry may direct the inquiry to be held before a court of summary jurisdiction.

(3) Where the inquiry is held by a local marine board, or by a person appointed by the Board of Trade that board or person—

- (a) shall hold the inquiry with the assistance of a local stipendiary magistrate or if there is no such magistrate available of a competent legal assistant appointed by the Board of Trade and
- (b) shall have all the powers of a Board of Trade inspector under this Act and
- (c) shall give any master mate or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise and may summon him to appear and
- (d) may make such order with regard to the costs of the inquiry as they think just and
- (e) shall send a report upon the case to the Board of Trade

(4) Where the inquiry is held by a court of summary jurisdiction the inquiry shall be conducted and the results reported in the same manner and the court shall have the like powers as in the case of a formal investigation into a shipping casualty under this Part of this Act provided that if the Board of Trade so direct it shall be the duty of the person who has brought the charge against the master mate or engineer to the notice of the Board of Trade to conduct the case and that person shall in that case for the purpose of this Act, be deemed to be the party having the conduct of the case

473 (1) Any of the following courts, namely —

In England and Ireland the High Court

In Scotland the Court of Session

Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty court

may remove the master of any ship within the jurisdiction of that court if that removal is shown to the satisfaction of the court by evidence on oath to be necessary

(2) The removal may be made upon the application of any owner of the ship or his agent or of the consignee of the ship or of any certificated mate or of one third or more of the crew of the ship

(3) The court may appoint a new master instead of the one removed but, where the owner agent or consignee of the ship is within the jurisdiction

Removal of  
master by  
Admiralty  
Court.

tion of the court, such appointment shall not be made without the consent of that owner, agent, or consignee

(4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit

473. (1) A master, mate, or engineer whose certificate is cancelled or suspended by any court or by the Board of Trade shall deliver his certificate—

Delivery of  
certificate  
cancelled or  
suspended

(a) if cancelled or suspended by a court, to that court on demand

(b) if not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct

(2) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds

474. The Board of Trade may, if they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer which has been cancelled or suspended, whether in the United Kingdom or in a British possession, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade

Power of  
Board of  
Trade to  
restore  
certificate

#### *Re-hearing of Investigations and Inquiries*

475. (1) The Board of Trade may, in any case where under this Part of this Act a formal investigation as aforesaid into a shipping casualty, or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—

Re-hearing  
of investi-  
gations  
and inquiries.

(a) if new and important evidence which could not be produced at the investigation or inquiry has been discovered, or

(b) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred

(2) The Board of Trade may order the case to be re-heard, either by the court or authority by whom the case was heard in the first instance, or by the wreck commissioner, or in England or Ireland by the High Court, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly

(3) Where on any such investigation or inquiry a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts, namely —

(a) If the decision is given in England or by a naval court, to the High Court,

(b) If the decision is given in Scotland, to either division of the Court of Session,

(c) If the decision is given in Ireland, to the High Court in Ireland.

(4) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this Part to this Act.

*Supplemental Provisions as to Investigations and Inquiries*

Investigations before stipendiary magistrate.

476 (1) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall whenever he happens to be present, be held before that stipendiary magistrate.

(2) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate if he is not remunerated out of money provided by Parliament under this Act such remuneration by way of an annual increase of salary or otherwise as a Secretary of State with the consent of the Board of Trade may direct.

Power to appoint wreck commissioners.

477 The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom so that there shall not be more than three of those commissioners at any one time and may remove any such wreck commissioner and in case it becomes necessary to appoint a wreck commissioner in Ireland, the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

Authority for colonial court to make inquiries into shipping casualties and conduct of officers.

478 (1) The legislature of any British possession may authorise any court or tribunal to make inquiries as to shipwrecks or other casualties affecting ships or as to charges of incompetency or misconduct on the part of masters, mates or engineers of ships in the following cases namely —

- (a) where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession
- (b) where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession
- (c) where some of the crew of a British ship which has been wrecked or to which a casualty has occurred and who are competent witnesses to the facts are found in the British possession
- (d) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession or on board a British ship in the course of a voyage to a port within the British possession
- (e) where the incompetency or misconduct has occurred on board a British ship registered in the British possession
- (f) when the master, mate or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.

(2) A court or tribunal so authorised shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred

(3) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court

(4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession

(5) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom

(6) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England provided that an appeal shall not lie—

(a) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or

(b) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act

(7) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this Part of this Act

479 (1) The Lord Chancellor may (with the consent of the Treasury Rules as to so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this Part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appeal, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held

(2) Any rule made under this section while in force shall have effect as if it were enacted in this Act

(3) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as to the appointment of assessors and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

*<sup>1</sup>Naval Courts on the High Seas and Abroad.*

Cases in  
which naval  
courts may  
be sum-  
moned.

480 A court (in this Act called a naval court) may be summoned by any officer in command of any of Her Majesty's ships on any foreign station or in the absence of such an officer by any consular officer in the following cases (that is to say)

- (i) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship or by a certificated mate or by any one or more of the seamen belonging to any such ship
- (ii) Whenever the interest of the owner of any British ship or of the cargo thereof appears to that officer to require it and
- (iii) Whenever any British ship is wrecked abandoned or otherwise lost at or near the place where that officer may be or whenever the crew or part of the crew of any British ship which has been wrecked abandoned, or lost abroad arrive at that place

constitution  
naval  
courts.

481 (1) A naval court shall consist of not more than five and not less than three members of whom, if possible one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant one a consular officer and one a master of a British merchant ship and the rest shall be either officers in the naval service of Her Majesty masters of British merchant ships or British merchants and the court may include the officer summoning the same but shall not include the master or consignee of the ship to which the parties complaining or complained against belong

(2) The naval or consular officer in the court if there is only one such officer or if there is more than one the naval or consular officer who according to any regulations for settling their respective ranks for the time being in force is of the highest rank, shall be the president of the court.

Functions  
of naval  
courts.

482 (1) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck abandonment or loss and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence

(2) A naval court may for the purpose of the hearing and investigation administer an oath summon parties and witnesses, and compel their attendance and the production of documents.

Powers of  
naval courts.

<sup>2</sup>483 (1) Every naval court may after hearing and investigating the case exercise the following powers (that is to say)

- (a) the court may if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it remove the master and appoint another person to act in his stead but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard

<sup>1</sup> For appeals from naval courts, see 6 Edw. c. 45 s. 69.

<sup>2</sup> For the power of a naval court to send an offender sentenced to imprisonment to the United Kingdom or any British possession see 6 Edw. 7 c. 48, s. 67

- (b) the court may, in cases in which they are authorised by this Act and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer
- (c) the court may discharge a seaman from his ship
- (d) the court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the Exchequer, in the same manner as fines under this Act
- (e) the court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings
- (f) the court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned
- (g) the court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under the Thirteenth Part of this Act
- (h) the court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom Provided that—
  - (i) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose, and
  - (ii) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander-in-chief or senior naval officer of the station
- (i) the court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Fifth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion
- (j) the court may order the costs of the proceedings before them or any part of those costs, to be paid by any of the parties thereto, and



may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby and any costs or compensation so ordered to be paid shall be paid by that person accordingly and may be recovered in the same manner in which the wages of seamen are recoverable, or may if the case admits be deducted from the wages due to that person.

<sup>1</sup>(2) All orders duly made by a naval court under the powers hereby given to it shall in any subsequent legal proceedings be conclusive as to the rights of the parties.

(3) All orders made by any naval court shall, whenever practicable be entered in the official log book of the ship to which the parties to the proceedings before the court belong and signed by the president of the court.

Report of  
proceedings  
of naval  
courts.

484 (1) Every naval court shall make a report to the Board of Trade containing the following particulars, that is to say —

- (a) a statement of the proceedings of the Court, together with the order made by the court, and a report of the evidence
- (b) an account of the wages of any seaman or apprentice who is discharged from the ship by the court,
- (c) if summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require

(2) Every such report shall be signed by the president of the court and shall be admissible in evidence in manner provided by this Act

Penalty for  
preventing  
complaint or  
obstructing  
investigation.

485 If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court or the conduct of any hearing or investigation by any naval court he shall for each offence be liable to a fine not exceeding fifty pounds or be liable to imprisonment with or without hard labour for any period not exceeding twelve weeks

Application  
of provisions  
as to naval  
courts.

486 (1) The provisions of this Part of this Act with regard to naval courts on the high seas and abroad shall apply to all sea-going ships registered in the United Kingdom (with the exception in their application elsewhere than in Scotland of fishing boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession when those ships are out of the jurisdiction of their respective governments and where they apply to a ship shall apply to the owners master and crew of that ship

(2) For the purpose of the said provisions an unregistered British ship shall be deemed to have been registered in the United Kingdom.

<sup>1</sup> For cases where order is quashed or varied on appeal see 6 Fiw 7 c. 43, s. 63 (2)

*Courts of Survey*

487. (1) A court of survey for a port or district shall consist of a judge sitting with two assessors

Constitution  
of court of  
survey

(2) The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act with respect to that court, out of a list approved for the port or district by a Secretary of State, of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons, but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

(3) The assessors shall be persons of nautical, engineering, or other special skill and experience, subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge. If a Secretary of State think fit at any time, on the recommendation of the government of any British possession or any foreign country, to add any persons to any such list, those persons shall, until otherwise directed by the Secretary of State, be added to the list, and if there is no such list, shall form the list

(4) The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court to meet forthwith in manner directed by the rules

(5) The name of the registrar and his office, together with the rules made as aforesaid, relating to the court of survey, shall be published in the manner directed by the rules

(6) In the application of this section to Scotland the expression "judge of a county court" means a sheriff, and the expression "county court registrar" means sheriff clerk

(7) In the application of this section to Ireland the expression "stipendiary magistrate" includes any of the justices of the peace in Dublin metropolitan and any resident magistrate

(8) In the application of this section to the Isle of Man the expression "judge of a county court" means the water bailiff, the expression "stipendiary magistrate" means the high bailiff, the expression "registrar of a county court" means a clerk to a deemster or a clerk to justices of the peace.

488. (1) The court of survey shall hear every case in open court

Power and  
procedure of  
court of  
survey.

(2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under this Act.

(3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4) The judge of the court any assessor of the court and any person appointed by the judge of the court to survey a ship may go on board the ship, and inspect the same and every part thereof and the machinery equipments and cargo and may require the unloading or removal of any cargo ballast or tackle and any person who wilfully impedes such judge assessor or person in the execution of the survey or fails to comply with any requisition made by him shall for each offence be liable to a fine not exceeding ten pounds.

(5) The judge of the court shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship the ship shall be released.

(6) The owner and master of the ship and any person appointed by the owner or master and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.

(7) The judge of the court shall send to the Board of Trade such report as may be directed by the rules and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

Rules for  
procedure of  
court of  
survey etc.

1489 The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of this Act with respect to a court of survey and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules and those rules shall have effect as if enacted in this Act.

#### *Scientific Referees*

Reference in  
difficult cases  
to scientific  
persons.

490 (1) If the Board of Trade are of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State as may appear to possess the special qualifications necessary for the particular case and may be selected by agreement between the Board of Trade and the appellant or in default of any such agreement by a Secretary of State and thereupon the appeal shall be determined by the referee or referees instead of by the court of survey

(2) The Board of Trade if the appellant in any appeal so requires and gives security to the satisfaction of the Board to pay the costs of and incidental to the reference shall refer that appeal to a referee or referees so selected as aforesaid

(3) The referee or referees shall have the same powers as a judge of the court of survey

*Payments to Officers of Courts*

491. There may be paid out of money provided by Parliament to any wreck commissioner, judge of a court of survey, assessor in any court of survey or investigation under this Part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or investigation under this Part of this Act, such salary or remuneration (if any) as the Treasury may direct.

Payments to  
officers of  
courts.

## PART VII

## DELIVERY OF GOODS.

*Delivery of Goods and Lien for Freight*

492. In this Part of this Act unless the context otherwise requires—  
The expression “goods” includes every description of wares and merchandise : Definitions  
under Part  
VII

The expression “wharf” includes all wharves, quays, docks, and premises in or upon which any goods, when landed from ships, may be lawfully placed

The expression “warehouse” includes all warehouses, buildings, and premises in which goods, when landed from ships, may be lawfully placed

The expression “report” means the report required by the customs laws to be made by the master of an importing ship

The expression “entry” means the entry required by the customs law to be made for the landing or discharge of goods from an importing ship

The expression “shipowner” includes the master of the ship and every other person authorised to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship

The expression “owner” used in relation to goods means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien (if any), to that lien

The expression “wharfinger” means the occupier of a wharf as herein-before defined

The expression “warehouseman” means the occupier of a warehouse as herein-before defined

493. (1) Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally herein-after

Power of  
shipowner  
to enter and  
land goods  
on default by

owner of  
goods.

mentioned the shipowner may make entry of and land or unship the goods at the following times —

- (a) If a time for the delivery of the goods is expressed in the charter party bill of lading or agreement then at any time after the time so expressed
  - (b) If no time for the delivery of the goods is expressed in the charter party bill of lading, or agreement, then at any time after the expiration of seventy two hours, exclusive of a Sunday or holy day from the time of the report of the ship
- (2) Where a shipowner lands goods in pursuance of this section he shall place them or cause them to be placed—
- (a) If any wharf or warehouse is named in the charter party bill of lading or agreement as the wharf or warehouse where the goods are to be placed as if they can be conveniently there received on that wharf or in that warehouse and
  - (b) In any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed the wharf or warehouse being if the goods are dutiable a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods
- (3) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so and his entry shall in that case be preferred to any entry which may have been made by the shipowner
- (4) If any goods are for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof and to convey the same to some other wharf or warehouse the goods shall be assorted at landing, and shall, if demanded be delivered to the owner thereof within twenty four hours after assortment and the expense of and consequent on that landing and assortment shall be borne by the shipowner
- (5) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging and has offered and been ready to take delivery thereof and the shipowner has failed to make that delivery and has also failed at any time of that offer to give the owner of the goods correct information of the time at which the goods can be delivered then the shipowner shall, before landing or unshipping the goods, in pursuance of this section give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty four hours notice in writing of his readiness to deliver the goods and shall if he lands or unships the same without that notice do so at his own risk and expense.

494. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof, and the wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as herein-after mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him

495. The said lien for freight and other charges shall be discharged— Lien for freight on goods  
Discharge of lien

(1) Upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner, and

(2) Upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner,

but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight

496. (1) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, pay the sum deposited over to the shipowner Provisions as to deposits by owners of goods

(2) If a notice is given as aforesaid the wharfinger or warehouseman shall immediately apprise the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by the notice to be payable, and shall retain the balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the notice.

(3) At the expiration of those thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods

(4) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

Sale of goods  
by ware-  
houseman.

497 (1) If the lien is not discharged, and no deposit is made as aforesaid the wharfinger or warehouseman may, and if required by the shipowner shall at the expiration of ninety days from the time when the goods were placed in his custody or if the goods are of a perishable nature at such earlier period as in his discretion he thinks fit sell by public auction, either for home use or for exportation the goods or so much thereof as may be necessary to satisfy the charges herein-after mentioned.

(2) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood or in one daily newspaper published in London, and in one local newspaper, and also if the address of the owner of the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him send notice of the sale to the owner of the goods by post.

(3) The title of a *bona fide* purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent.

Application  
of proceeds  
of sale.

498 The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order

- (i) First, if the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof then
- (ii) In payment of the expenses of the sale then
- (iii) In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them or, if there is no such agreement —
  - (a) in payment of the rent rates, and other charges due to the wharfinger or warehouseman in respect of the said goods and then
  - (b) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods,

and the surplus if any shall be paid to the owner of the goods.

Warehouse-  
man's rent  
and ex-  
penses.

499 Whenever any goods are placed in the custody of a wharfinger or warehouseman under the authority of this Part of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same and shall also have power at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses.

Warehouse-  
men's pro-  
tection.

500 Nothing in this Part of this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Part of this Act

501. Nothing in this Part of this Act shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Part of this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local Act

## PART VIII

### LIABILITY OF SHIPOWNERS <sup>1</sup>

<sup>2</sup> 502. The owner of a British sea-going ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases, namely —

- (i) where any goods, merchandise, or other things whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship, or
- (ii) where any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with, or secreting thereof.

<sup>3</sup> 503. (1) The owners of the ship, British or foreign, shall not, where all or any of the following occurrences take place without their actual fault or privity, (that is to say),

- (a) Where any loss of life or personal injury is caused to any person being carried in the ship,
- (b) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board the ship;
- (c) Where any loss of life or personal injury is caused to any person carried in any other vessel by reason of the improper navigation of the ship,
- (d) Where any loss or damage is caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel by reason of the improper navigation of the ship,

be liable to damages beyond the following amounts, (that is to say),

- (i) in respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, merchandise, or other

<sup>1</sup> See 61 and 62 Vict., c. 14, s. 1. The word "owner" in ss. 502, to 509 includes any charterer to whom the ship is demised. See 6 Edw. 7, c. 48, s. 71.

<sup>2</sup> See 6 Edw. 7, c. 48, s. 70.

<sup>3</sup> For further limitation see 63 and 64 Vict., c. 32, applied 6 Edw. 7, c. 58, s. 7 (1) (f).



things, an aggregate amount not exceeding fifteen pounds for each ton of their ship's tonnage and

- (ii) in respect of loss of or damage to vessels goods merchandise or other things whether there be in addition loss of life or personal injury or not, an aggregate amount not exceeding eight pounds for each ton of their ship's tonnage.

- (2) For the purposes of this section—

- (a) The tonnage of a steam-ship shall be her <sup>1</sup>registered tonnage with the addition of any engine room space deducted for the purpose of ascertaining that tonnage] and the tonnage of a sailing ship shall be her registered tonnage

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to this Act with regard thereto.

- (b) Where a foreign ship has been or can be measured according to British law her tonnage as ascertained by that measurement, shall for the purpose of this section, be deemed to be her tonnage

- (c) Where a foreign ship has not been and cannot be measured according to British law the surveyor general of ships in the United Kingdom or the chief measuring officer of any British possession abroad shall on receiving from or by the direction of the court hearing the case in which the tonnage of the ship is in question such evidence concerning the dimensions of the ship as it may be practicable to furnish give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to British law and the tonnage so stated in that certificate shall for the purposes of the section be deemed to be the tonnage of the ship

(3) The owner of every sea going ship or share therein shall be liable in respect of every such loss of life personal injury loss of or damage to vessels goods, merchandise, or things as aforesaid arising on distinct occasions to the same extent as if no other loss injury or damage had arisen

\* 504 Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life personal injury or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability then the owner may apply in England and Ireland to the High Court, or in Scotland to the Court of Session or in a British possession to any competent court and that court may determine the amount of the owner's liability and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter and may proceed in such manner and subject

Power of  
courts to  
consolidate  
claims  
against  
owners, etc.

<sup>1</sup> Substituted by 6 Edw. 7 c. 48, s. 69 for the words "gross tonnage without deduction on account of engine room" which were repealed by 1 Edw. 7 c. 85, Sch. 11.

<sup>2</sup> See 63 and 64 Vict. c. 32, s. 2 (3); 1 and 2 Geo. 5, c. 4 s. 4.

to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs as the court thinks just

505. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part of the Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof. Part owners to account in respect of damages

506. An insurance effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part of this Act, shall not be invalid by reason of the nature of the risk. Insurances of certain risks not invalid

507. In any proceeding under this Part of this Act against the owner of a ship or share therein with respect to loss of life, the passenger lists under the Third Part of this Act shall be received as evidence that the person upon whose death proceedings are taken under this Part of this Act was a passenger on board the ship at the time of death. Proof of passengers on board ship.

<sup>1</sup>508. Nothing in this Part of this Act shall be construed to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman, or to extend to any British ship which is not recognised as a British ship within the meaning of this Act. Liability in certain cases not affected.

509. This Part of this Act shall, unless the context otherwise requires, extend to the whole of Her Majesty's dominions. Extent of Part VIII

## PART IX.

### WRECK AND SALVAGE.

#### *Vessels in Distress*

510. In this Part of this Act unless the context otherwise requires—

- (1) The expression "wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water
- (2) The expression "salvage" includes all expenses properly incurred by the salvor in the performance of the salvage service

Definition of "wreck" and "salvage"

511. (1) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of Duty of receiver where vessel is in distress

<sup>1</sup> See 61 and 62 Vict., c. 14, s. 2

the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2) If any person wilfully disobeys the direction of the receiver he shall for each offence be liable to a fine not exceeding fifty pounds but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master

Powers of  
the receiver  
in case of  
vessels  
in distress.

512 (1) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

- (a) require such persons as he thinks necessary to assist him
- (b) require the master or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel as may be in his power
- (c) demand the use of any waggon, cart or horses that may be near at hand.

(2) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall for each refusal, be liable to a fine not exceeding one hundred pounds but a person shall not be liable to pay any duty in respect of any such waggon, cart or horses, by reason only of the use of the same under this section

Power to  
use over  
 adjoining  
lands.

513 (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may for the purpose of rendering assistance to the vessel, or of saving lives of the shipwrecked persons or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier so that they do as little damage as possible and may also on the like condition, deposit on those lands any cargo or other article recovered from the vessel

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel cargo or articles in respect of or by which the damage is occasioned and the amount payable in respect of the damage shall, in case of dispute, be determined and shall in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3) If the owner or occupier of any land—

- (a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request to open the same or otherwise or
- (b) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land or
- (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit

he shall for each offence be liable to a fine not exceeding one hundred pounds

514. (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel the receiver may cause that person to be apprehended

Power of receiver to suppress plunder and disorder by force.

(2) The receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force

(3) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed, or hurt

515. Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel,

Liability for damage in case of a vessel plundered

In England in the same manner, by the same authority, and out of the same rate, as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the Riot (Damages) Act, 1886, and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district,

50 Vict,

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and

o I, s  
38

In Ireland in manner provided by the Act of the Session held in the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to extend the remedies for the compensation of malicious injuries to property in Ireland" with respect to damage to any dwelling-house or other property therein mentioned

71 Vict,

516. (1) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, principal officer of the coast guard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do anything by this Part of this Act authorised to be done by the receiver

Exercise of powers of receiver in his absence

(2) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act be considered as the agent of the receiver, and shall place the same in the custody of the receiver, but he shall not be entitled to any fees payable to receivers or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination  
in respect of  
ships in  
distress.

517 (1) Where any ship British or foreign is or has been in distress on the coasts of the United Kingdom a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or in the absence of the persons aforesaid a justice of the peace shall as soon as conveniently may be examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship or any other person who may be able to give any account thereof or of the cargo or stores thereof as to the following matters that is to say —

- (a) the name and description of the ship
- (b) the name of the master and of the owners
- (c) the names of the owners of the cargo
- (d) the ports from and to which the ship was bound
- (e) the occasion of the distress of the ship
- (f) the services rendered and
- (g) such other matters or circumstances relating to the ship or to the cargo on board the same as the person holding the examination thinks necessary

(2) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade and another to the secretary of Lloyd's in London and the secretary shall place it in some conspicuous situation for inspection.

(3) The person holding the examination shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act

#### *Dealing with Wreck.*

Provision  
as to wreck  
found in the  
United  
Kingdom.

518 (1) Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall —

- (a) If he is the owner thereof give notice to the receiver of the district stating that he has found or taken possession of the same and describing the marks by which the same may be recognised
- (b) If he is not the owner thereof as soon as possible deliver the same to the receiver of the district

and if any person fails without reasonable cause to comply with this section he shall for each offence be liable to a fine not exceeding one hundred pounds and shall in addition if he is not the owner forfeit any claim to salvage and

<sup>1</sup> For application of the section to wrecks found or taken outside the limits of the United Kingdom see 6 Edw 7 c 18 s. 2.

shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed, to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

519. (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other article belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver. Penalty for taking wreck at time of casualty

(2) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds

(3) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same

520. Where a receiver takes possession of any wreck he shall within forty-eight hours— Notice of wreck to be given by receiver

(a) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished, and

(b) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection

521. (1) The owner of the wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him. Claims of owners to wreck

(2) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles

522. A receiver may at any time sell any wreck in his custody, if in his opinion— Immediate sale of wreck by receiver in certain cases.

(a) it is under the value of five pounds, or

(b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or

(c) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall after defraying the expenses thereof, be held by the receiver for the same purpose and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

### *Unclaimed Wreck.*

Right of  
Crown of  
unclaimed  
wreck.

523 Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted to any other person the right to that wreck.

Notice of  
unclaimed  
wreck to  
be given to  
persons en  
titled.

524. (1) Where any admiral, vice-admiral lord of the manor heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver he shall deliver to the receiver a statement containing the particulars of his title and an address to which notices may be sent.

(2) When a statement has been so delivered and the title proved to the satisfaction of the receiver the receiver shall, on taking possession of any wreck found at a place to which the statement refers within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

Disposal of  
unclaimed  
wreck.

525 Where no owner establishes a claim to any wreck found in the United Kingdom and in the possession of a receiver within one year after it came into his possession the wreck shall be dealt with as follows that is to say

- (1) if the wreck is claimed by any admiral vice-admiral lord of a manor, heritable proprietor or other person who has delivered such a statement to the receiver as herein before provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found the wreck after payment of all expenses costs, fees, and salvage due in respect thereof shall be delivered to him
- (2) if the wreck is not claimed by any admiral, vice-admiral, lord of a manor heritable proprietor or other person as aforesaid the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale and any other expenses incurred by him and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule determine) for the benefit of the Crown as follows that is to say —
  - (a) if the wreck is claimed in right of Her Majesty's duchy of Lancaster to the receiver general of that duchy or his deputies as part of the revenues of that duchy
  - (b) if the wreck is claimed in right of the duchy of Cornwall to the receiver-general of that duchy or his deputies as part of the revenues of that duchy, and

(c) if the wreck is not so claimed, the receiver shall pay the proceeds of sale<sup>1</sup> [to the Mercantile Marine Fund during the life of Her present Majesty, and] after the decease of Her present Majesty to Her heirs and successors.

526. (1) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner, as if it were a dispute as to salvage to be determined summarily under this Part of this Act Disputed title to unclaimed wreck

(2) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title

527. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found Delivery of unclaimed wreck by receivers not to prejudice title

528. (1) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty. Power to Board of Trade to purchase rights to wreck

(2) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and in the construction of those Acts for the purposes of this section this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorised to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking

529. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorised by this Act Admiral not to interfere with wreck

### *Removal of Wrecks*

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to life- Removal of wreck by harbour or conservancy authority

<sup>1</sup> These words were repealed (U K ) by 8 Edw 7, c 49 (S L R )



boat engaged in lifeboat service in that harbour or water or in any approach thereto that authority may—

- (a) take possession of and raise remove or destroy the whole or any part of the vessel and
- (b) light or buoy any such vessel or part until the raising, removal or destruction thereof and
- (c) sell in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section and the authority shall hold the surplus, if any of the proceeds in trust for the persons entitled thereto

Provided as follows —

- (1) A sale shall not (except in the case of property which is of a perishable nature or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control and
- (2) At any time before any property is sold under this section the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade and the sum paid to the authority as the value of any property under his provision shall for the purposes of this section be deemed to be the proceeds of sale of that property

Power of  
Lighthouse  
authority  
to remove  
a wreck.

531 (1) Where any vessel is sunk, stranded or abandoned in any fairway or on the seashore or on or near any rock shoal or bank in the British Islands or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise remove or destroy the vessel the general lighthouse authority for the place in or near which the vessel is situated shall if in their opinion the vessel is or is likely to become an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority

(2) All expenses incurred by the general lighthouse authority under this section and not reimbursed in manner provided by this Part of this Act shall be paid out of the Mercantile Marine Fund but shall be subject to the like estimate, account and sanction as the expenses of a general lighthouse authority other than establishment expenses

<sup>1</sup> To be construed as referring to the General Lighthouse Fund. 61 & 62 Vict. c 61 s 1 (1) (c).

532. The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel", and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund

Powers of removal to extent to tackle, cargo, etc.

533. If any question arises between a harbour or conservancy authority on the one hand, and a general lighthouse authority on the other hand, as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

Power of Board of Trade to determine certain questions between authorities

534. The powers conferred by this Part of this Act on a harbour, conservancy or lighthouse authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Powers to be cumulative

#### *Offences in respect of Wreck*

535. If any person takes into any foreign port any vessel stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years

Taking wreck to foreign port.

536. (1) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force

Interfering with wrecked vessel or wreck

(2) A person shall not—

- (a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water or of any part of the cargo or apparel thereof, or of any wreck,
- (b) secrete any wreck, or deface or obliterate any marks thereon, or
- (c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck,

and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be

inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise

Summary  
procedure  
for  
concealment  
of wreck.

537 (1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with he may apply to any justice of the peace for a search warrant, and that justice shall have power to grant such a warrant and the receiver by virtue thereof may enter any house or other place wherever situate and also any vessel and search for seize and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the receiver on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow

### Marine Store Dealers

Marine store  
dealer to  
have his  
name and  
address  
painted  
on his shop.

538 (1) Every person dealing in buying, or selling, any of the articles following that is to say anchors cables sails, old junk or old iron or other marine stores of any kind, (in this Part of this Act called a marine store dealer) shall have his name together with the words dealer in marine stores distinctly painted in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.

(2) If a marine store dealer fails to comply with the requirements of this section he shall for each offence be liable to a fine not exceeding twenty pounds.

Marine store  
dealer to  
keep proper  
books.

539 (1) Every marine store dealer shall keep proper books and enter therein an account of all marine stores of which he becomes possessed stating in respect of each article the time at which and the person from whom he purchased or received the same and a description of the business and place of abode of that person.

(2) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding twenty pounds and for every subsequent offence not exceeding fifty pounds.

Marine store  
dealer not  
to purchase  
from person  
under  
sixteen.

540 (1) A marine store dealer shall not by himself or his agent purchase marine stores of any description from any person apparently under the age of sixteen years.

(2) If a marine store dealer so purchases any marine store he shall be liable to a fine for the first offence not exceeding five pounds and for every subsequent offence not exceeding twenty pounds.

Marine store  
dealer not to  
cut up cable  
etc.

541. (1) A marine store dealer shall not on any pretence cut up any cable or other like article exceeding five fathoms in length or unlay the same into twine or paper stuff without obtaining a written permit as required by this section.

(2) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides stating—

- (a) the quality and description of the cable or other like article about to be cut up or unlaid,
- (b) the name and description of the person from whom he purchased or received the same; and
- (c) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly

and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article

(3) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section, he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds

542. (1) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resides one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut up or unlaid

Permit to be advertised before dealer proceeds to act thereon

(2) If any person suspects or believes that the cable or other article is his property, he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this Part of this Act to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books

(3) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds

#### *Marking of Anchors*

543. (1) Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor

Marking of anchors

(2) If a manufacturer of anchors fails without reasonable cause to comply with this section, he shall be liable for each offence to a fine not exceeding five pounds

as assessor and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct

Appeal in  
case of  
salvage  
disputes.

549 (1) Where a dispute relating to salvage has been determined summarily in manner provided by this Act any party aggrieved by the decision may appeal therefrom—

(a) in Great Britain in like manner as in the case of any other judgment in any Admiralty or maritime cause of the county court or sheriff's court as the case may be and

(b) in Ireland to the High Court but only if the sum in dispute exceeds fifty pounds and the appellant within ten days after the date of the award gives notice to the arbitrators of his intention to appeal and within twenty days after the date of the award takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.

(2) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands to be a true copy of the proceedings had before them or their umpire (if any) and of the award so made by them or him accompanied with their or his certificate in writing of the gross value of the articles respecting which salvage is claimed and such copy and certificate shall be admitted in the court of appeal as evidence in the case

As to arbit-  
rators in  
Ireland.

550 (1) The Lord Lieutenant in Ireland may appoint out of the justices for any borough or country a rota of justices, by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.

(2) Where no such rota is appointed the salvors may by writing addressed to the justices clerk, name one justice and the owner of the property saved may in like manner name another justice to be arbitrators and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions

(3) Where a dispute as to salvage is referred to justices under this Act they may if a difference of opinion arises between them or without such difference if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

(4) The arbitrators, within forty-eight hours after any such dispute has been referred to them and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable with power nevertheless for such arbitrators or umpire by writing, duly signed to extend the time for so making the award

(5) There shall be paid to every umpire appointed as aforesaid in respect of his services, such sum not exceeding five pounds as the Board of Trade may direct.

(6) All the costs of such arbitration including any such payment to an umpire as aforesaid shall be paid by the parties to the dispute, in such man-

ner, and in such shares and proportions, as the arbitrators or umpire may direct by the award.

(7) The arbitrators or umpire may call for the production of any documents in the possession of power or either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this Part of this Act.

551. (1) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties. Valuation of property by receiver.

(2) Any copy of the valuation purporting to be signed by the valuer and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct

552 (1) Where salvage is due to any person under this Act, the receiver shall— Detention of property liable for salvage by a receiver

(a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck

(2) Subject as herein-after mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (herein-after referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court

(3) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two hundred pounds and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the lord ordinary officiating on the bills during vacation

(4) Any security given for salvage in pursuance of this section to an amount exceeding two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

553 (1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, namely— Sale of detained property by receiver.

(a) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due,—or

- (b) where the amount is disputed, but no appeal lies from the first court to which the dispute is referred and payment is not made within twenty days after the decision of the first court, or
- (c) where the amount is disputed and an appeal lies from the decision of the first court to some other court and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2) The proceeds of sale of detained property shall after payment of the expenses of the sale be applied by the receiver in payment of the expenses fees and salvage and, so far as not required for that purpose shall be paid to the owners of the property or any other persons entitled to receive the same

Agreement  
as to salvage.

554 (1) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship and the salvor voluntarily agrees to abandon his lien upon the ship cargo and property alleged to be saved, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England or of a Vice-Admiralty Court or Colonial Court of Admiralty and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship and the cargo and freight respectively and the respective owners of the ship cargo and freight and their respective heirs, executors and administrators, for the salvage which may be adjudged to be payable in respect of the ship cargo and freight respectively to the extent of the security given.

(2) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this part of this Act relating to salvage by Her Majesty's ships and on any such agreement being made the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath f. 4

(3) The salvor shall transmit the statements made as soon as practicable, to the court in which the agreement is to be adjudicated upon

Apportion-  
ment of sal-  
vage under  
2004. by  
receiver.

555 (1) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined either summarily in manner provided by this Act or by agreement and does not exceed two hundred pounds but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him and the receiver shall if he thinks fit receive the same accordingly and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid and that certificate shall be a full discharge and indemnity to the person by whom the money is paid and to his vessel cargo,

apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

556. Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit.

### *Salvage by Her Majesty's Ships*

557. (1) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship, or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships, shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.

(2) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be evidence of that consent.

(3) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

558. (1) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in



detaining it be taken to some port where there is a consular officer or a colonial court of admiralty, or a vice-admiralty court.

(2) The salvor and the master or other person in charge of the vessel cargo, or property, saved shall within twenty four hours after arriving at the port each deliver to the consular officer or judge of the colonial court of admiralty or vice-admiralty court, as the case may be a statement on oath specifying so far as possible and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that Schedule

Provisions as to bond to be executed.

559 (1) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service but the sum fixed shall not exceed one-half of the amount which in the opinion of the consular officer or judge is the value of the property in respect of which salvage has been rendered.

(2) Where the vessel, cargo or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge or with that officer or judge and such other persons jointly as the salvor may appoint

(3) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act he may proceed *ex parte*.

(4) A consular officer may for the purposes of this section take affidavits

(5) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

Execution of bond.

560 (1) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor or master and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same) and upon delivery thereof to the salvor and in cases where security is to be lodged on that security being duly lodged the right of the salvor to detain the vessel, cargo or property shall cease

(2) The bond shall bind the respective owners of the vessel cargo and freight, and their heirs executors and administrators for the salvage adjudged to be payable in respect of the vessel cargo and freight respectively

Enforcement of bond.

561 (1) The bond shall be adjudicated on and enforced in the High Court in England unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified colonial court of admiralty, or vice-admiralty court but that court shall

in that case have the same power and authorities for the purpose as the High Court in England

(2) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any colonial court of admiralty or vice-admiralty court in any part of Her Majesty's dominions, and any court exercising admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds

(3) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct

(4) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him and the notice of the sum fixed in the bond to the High Court in England or the colonial court of admiralty or vice-admiralty court in which the bond is to be enforced, as the case may be.

562 (1) Nothing contained in this Part of this Act shall prejudice the right of the salvor where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act Saving for other salvage rights.

(2) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein

563 Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty. Exemption from stamp duty

564 If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships— Punishment for forgery and false representations

(a) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, or

(b) puts off or makes use of any forged or altered document, knowing the same to be so forged or altered, or

(c) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months

*Jurisdiction of High Court in Salvage.*

*Jurisdiction  
of High  
Court in  
salvage*

565 Subject to the provisions of this Act the High Court and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county or partly on the high seas and partly within the body of any county and whether the wreck in respect of which salvage is claimed is found on the sea or on the land or partly on the sea and partly on the land

*Appointment of Receivers of Wreck*

*Appointment  
of receivers  
of wreck.*

566 The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wreck, and may with the consent of the Treasury appoint any officer of customs or of the coast-guard, or any officer of inland revenue, or where it appears to such Board to be more convenient any other person to be a receiver of wreck (in this Part of this Act referred to as a receiver) in any district and to perform the duties of receiver under this Part of this Act, and shall give due notice of the appointment

*Fees of Receivers of Wreck*

*Receivers  
fee.*

567 (1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties and also in respect of the several matters specified in the Twentieth Schedule to this Act such fees not exceeding the amounts therein mentioned as may be directed by the Board of Trade but a receiver shall not be entitled to any remuneration other than those payments.

(2) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade and the decision of that Board shall be final.

(4) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees and the money arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

*Remunera-  
tion for  
services by  
coastguard*

568 (1) Where services are rendered by any officers or men of the coast guard service in watching or protecting shipwrecked property, then unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered or that salvage has been claimed and awarded for those services the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade and that remuneration shall be recoverable by the same

means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this Part of this Act.

(2) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated

### *Duties on Wreck.*

569 (1) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine Provisions to duties, etc., on wrecked goods

(2) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take security for the due protection of the revenue in respect of those goods.

### *Supplemental*

570. Any matter or thing which may be done under this Part of this Act by or to a justice of the peace or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the county Powers of Sheriff in Scotland

571 Nothing in this Part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined Saving for Cinque ports

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## PART X

### PILOTAGE <sup>1</sup>

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## PART. XI

### LIGHTHOUSES

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<sup>1</sup>S 572 provides that "this Part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and Foreign" The Part is, therefore, omitted

*Lighthouses etc in Colonies*

Dues for  
colonial  
lighthouses,  
etc.

1670 (1) Where any lighthouse, buoy or beacon has either before or after the passing of this Act been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy or beacon by the owner or master of every ship which passes the same and derives benefit therefrom as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the crown, or by Act or Ordinance duly passed signified its opinion that the dues ought to be levied.

Collection  
and recovery  
of colonial  
light dues.

671 (1) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this Part of this Act.

(2) Colonial light dues shall in each British possession be collected by such persons as the Governor of that possession may appoint for the purpose, and shall be collected by the same means in the same manner and subject to the same conditions so far as circumstances permit, as light dues under this Part of this Act, or by such other means, in such other manner and subject to such other conditions as the legislature of the possession direct.

Payment of  
colonial light  
dues to  
Paymaster  
General.

672 Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct and shall be applied, paid, and dealt with by him for the purposes authorised by this Act in such manner as that Board direct.

673 *Application of colonial light dues*—*Rep 61 & 62 Vict., c. 44 s. 8, Sch IV*

Advances for  
construction  
and repair of  
colonial  
lighthouses,  
etc.

674 (1) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any lighthouse buoy or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

(2) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament or by the Public Works Loan Commissioners or by any other persons, but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this Part of this Act.

Accounts of  
colonial light  
dues.

675 (1) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction repair or maintenance of the lighthouse buoy or beacon in respect of which those dues are received.

(2) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament and audited in such manner as may be directed by order in Council

## PART XII

### MERCANTILE MARINE FUND <sup>1</sup>

676 (1) The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund—

Sums payable to the Mercantile Marine Fund.

- (a) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act .
- (b) all fees and other sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of the medical inspection of seamen under the Second Part of this Act
- (c) the moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as directed by the Accountant General of Her Majesty's Navy
- (d) any sums recovered by the Board of Trade in respect of expenses incurred in relation to distressed seamen and apprentices under the Second Part of this Act
- (e) all fees and other sums payable in respect of any services performed by any person employed under the authority of the Third Part of this Act
- (f) all fees paid upon the engagement or discharge of members of the crews of fishing boats when effected before a superintendent
- <sup>2</sup>(g) such proceeds of the sale of unclaimed wreck as are directed to be paid thereto during the lifetime of Her present Majesty under the Ninth Part of this Act
- (h) any fees received by receivers of wreck under the Ninth Part of this Act .
- (i) all light dues or other sums received by or accruing to any of the General Lighthouse Authorities under the Eleventh Part of this Act
- (k) all costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Acts, 1882 and
- (l) any sums which under this or any other Act are directed to be paid to the Mercantile Marine Fund

(2) All fees mentioned in this section shall be paid at such time and in such manner as the Board of Trade direct

<sup>1</sup> See 61 and 62 Vict., c. 44

<sup>2</sup> Paragraph (g) was repealed (U. K.) by 8 Edw. 7, c. 49 (S. L. R.)

Application  
of Mercantile  
Marine Fund.

677 Subject to the provisions of this Act and to any prior charges that may be subsisting on the Mercantile Marine Fund under any Act of Parliament or otherwise there shall be charged on and payable out of that fund the following expenses so far as they are not paid by any private person :

- (a) the salaries and other expenses connected with Local Marine Boards and Mercantile Marine Offices and with the examinations conducted under the Second and Fourth Parts of this Act
- (b) the salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connection with the survey and measurement of ships under this Act, and the remuneration of medical inspectors of seamen under the Second Part of this Act
- (c) the salaries and expenses of persons employed under the Third Part of this Act
- (d) the superannuation allowances gratuities pensions and other allowances granted either before or after the passing of this Act to any of the said surveyors officers or persons
- (e) the allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared under this Act to be payable as such expenses and any contributions to seamen's refuges and hospitals
- (f) any sums which the Board of Trade in their discretion think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the property of deceased seamen or on account of the proceeds of wreck
- (g) all expenses of obtaining depositions, reports and returns, respecting wrecks and casualties
- (h) all expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act
- (i) all expenses incurred by the General Lighthouse Authorities in the works and services of lighthouses buoys and beacons or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services
- (k) any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lading and ballastage in the River Thames
- (l) such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats with the necessary crews and equipments and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea and for rewarding the preservation of life in such cases as the Board of Trade direct

(m) such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establishment of, or alterations in, foreign lighthouses, buoys, and beacons to owners, and masters of, and other persons interested in, British ships

(n) all costs and expenses incurred by the Board of Trade under the Boiler Explosions Acts, 1882 and 1890, so far as not otherwise provided for, including any remuneration paid in pursuance of section seven of the Boiler Explosions Act, 1882, and any costs and expenses ordered by the court in pursuance of those Acts to be paid by the Board of Trade

(o) any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament

678 *Subsidy from Parliament to Mercantile Marine Fund—Rep 61 & 62 Vict, c 44, s 8, Sch IV*

679 (1) The accounts of the Mercantile Marine Fund<sup>1</sup> shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly

Accounts  
and audit.

(2) The Board of Trade shall as soon as may be after the meeting of Parliament in every year cause the accounts of the Mercantile Marine Fund<sup>1</sup> for the preceding year to be laid before both Houses of Parliament.

## PART XIII

### LEGAL PROCEEDINGS

#### *Prosecution of Offences*

680 (1) Subject to any special provisions of this Act and to the provisions herein-after contained with respect to Scotland,—

Prosecution  
of offences

(a) an offence under this Act declared to be a misdemeanor, shall be punishable by fine or by imprisonment not exceeding two years, with or without hard labour, but may, instead of being prosecuted as a misdemeanor, be prosecuted summarily in manner provided by the Summary Jurisdiction Acts, and if so prosecuted shall be punishable only with imprisonment for a term not exceeding six months with or without hard labour, or with a fine not exceeding one hundred pounds.

(b) an offence under this Act made punishable with imprisonment for any term not exceeding six months, with or without hard labour, or by a fine not exceeding one hundred pounds, shall be prosecuted summarily in manner provided by the Summary Jurisdiction Acts

<sup>1</sup> To be construed as referring to the General Lighthouse Fund, 61 & 62 Vict, c, 44, 1 (1) (c).



(2) Any offence committed or fine recoverable under a bye-law made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act

Application  
of Summary  
Jurisdiction  
Acts in cer-  
tain cases

681 (1) The Summary Jurisdiction Acts shall so far as applicable apply—

(a) to any proceeding under this Act before a court of summary jurisdiction, whether connected with an offence punishable on summary conviction or not and

(b) to the trial of any case before one justice of the peace, where, under this Act such a justice may try the case

(2) Where under this Act any sum may be recovered as a fine under this Act, that sum if recoverable before a court of summary jurisdiction shall in England, be recovered as a civil debt in manner provided by the Summary Jurisdiction Acts

Appeal on  
summary  
conviction.

682 Where a person is convicted summarily in England of an offence under this Act and the fine inflicted or the sum ordered to be paid exceeds five pounds in amount, that person may appeal to quarter sessions against the conviction in manner provided by the Summary Jurisdiction Acts

Limitation  
of time for  
summary  
proceeding.

683 (1) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be or if both or either of the parties to the proceeding happen during the time to be out of the United Kingdom unless the same is commenced, in the case of a summary conviction within two months and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within the United Kingdom

(2) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any court capable of dealing with the case unless the same is commenced in the case of a summary conviction within two months and in the case of a summary order within six months, after they both first happen to arrive or to be at one time within that jurisdiction.

(3) No law for the time being in force under any Act Ordinance or otherwise which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act

(4) Nothing in this section shall affect any proceeding to which the Public Authorities Protection Act, 1893, applies.

*Jurisdiction*

684. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Provision as to jurisdiction in case of offences

685 (1) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate, shall have jurisdiction over any vessel being on, or lying or passing off, that coast or being in or near that bay, channel, lake river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate

Jurisdiction over ships lying off the coasts

(2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts

686. (1) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed

Jurisdiction in case of offences on board ship

(2) Nothing in this section shall affect the Admiralty Offences (Colonial) 13 Vict., Act, 1849

687. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England, and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction

*Damage occasioned by Foreign Ship*

688. (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects

Power to arrest foreign ship that

has occasioned  
damage.

by any foreign ship and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship issue an order directed to any officer of customs or other officer named by the judge court or sheriff requiring him to detain the ship until such time as the owner master or consignee thereof has made satisfaction in respect of the injury or has given security to be approved by the judge court or sheriff to abide the event of any action suit, or other legal proceeding that may be instituted in respect of the injury and to pay all costs and damages that may be awarded thereon and any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly

(2) Where it appears that, before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid the person giving security shall be made defendant or defender and shall be stated to be the owner of the ship that has occasioned the damage and the production of the order of the judge court, or sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.

#### *Provisions in case of Offences Abroad*

Conveyance  
of offenders  
and witnesses to  
United  
Kingdom or  
British  
possession.

689 (1) Whenever any complaint is made to any British consular officer—

(a) that any offence against property or person has been committed at any place either ashore or afloat, out of Her Majesty's dominions by any master seaman, or apprentice who at the time when the offence was committed or within three months before that time was employed in any British ship or

(b) that any offence on the high seas has been committed by any master seaman or apprentice belonging to any British ship

that consular officer may inquire into the case upon oath and may if the case so requires take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom or to any British possession in which there is a court capable of taking cognizance of the offence, in any

ship belonging to Her Majesty or to any of Her subjects, to be there proceeded against according to law

(2) The consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of that tonnage, and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade require

(3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Kingdom or in such British possession as aforesaid, give the offender into the custody of some police officer or constable, and that officer or constable shall have the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas

(4) If any master of a ship, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5) The expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament

690. (1) Where a case of death happens on board any foreign-going British ship, the superintendent at the port where the crew of the ship is discharged, shall, on arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry

*Inquiry into  
cause of  
death on  
board ship*

(2) A superintendent shall for the purpose of an inquiry under this section have the powers of the Board of Trade inspector under this Act, and if in the course of any such inquiry it appears to a superintendent that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice

(3) This section shall not apply—

(a) except in Scotland, to fishing boats, nor

- (b) to ships registered in a British possession when those ships are within the jurisdiction of the government of that possession
- (c) to pleasure yachts or ships belonging to any of the three General Lighthouse Authorities

Depositions  
to be received  
in evidence  
when witness  
cannot be  
produced.

<sup>1</sup> 691 (1) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorised by law or by consent of parties to receive evidence the testimony of any witness is required in relation to the subject matter of that proceeding then upon due proof if the proceeding is instituted in the United Kingdom that the witness cannot be found in that kingdom or if in any British possession that he cannot be found in that possession any deposition that the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere shall be admissible in evidence provided that—

- (a) if the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom and
- (b) if the deposition was made in any British possession it shall not be admissible in any proceeding instituted in that British possession and
- (c) if the proceeding is criminal, it shall not be admissible unless it was made in the presence of the person accused

(2) A deposition so made shall be authenticated by the signature of the judge magistrate or consular officer before whom it is made and the judge magistrate or consular officer shall certify if the fact is so that the accused was present at the taking thereof

(3) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and in any criminal proceeding a certificate under this section shall unless the contrary is proved be sufficient evidence of the accused having been present in manner thereby certified.

(4) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament or by any Act or ordinance of the legislature of any colony so far as regards that colony or interfere with the power of any colonial legislature to make those depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible

#### *Detention of Ship and Distress on Ship*

Enforcing  
detention of  
ship.

<sup>2</sup> 692 (1) Where under this Act a ship is to be or may be detained any commissioned officer on full pay in the naval or military service of Her

<sup>1</sup> Applied 6 Edw 7 c. 59, s. 7 (1) (c).

<sup>2</sup> Applied 5 Edw 7 c. 10 s. 1 (3); 6 Edw 7 c. 59, s. 11 (3).

Majesty, or any officer of the Board of Trade or any officer of Customs, or any British consular officer may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable for each offence to a fine not exceeding one hundred pounds

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or any officer of Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also to a fine not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns or until such time as would enable him after leaving the ship to return to the port from which he is taken, and expenses ordered to be paid may be recovered in like manner as the fine.

(3) Where under this Act a ship is to be detained an officer of Customs shall and where under this Act a ship may be detained an officer of Customs may refuse to clear that ship outwards or to grant a transire to that ship

(4) Where any provisions of this Act provides that a ship may be detained until any document is produced to the proper officer of Customs, the proper officer shall mean unless the context otherwise requires, the officer able to grant a clearance or transire to such ship

693. Where any court, justice of the peace, or other magistrate, has power to make an order directing payment to be made of any seaman's wages, fines, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice of the peace, or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pouding and sale of the ship, or her tackle, furniture and apparel

Sums ordered to be paid leviable by distress on ship

#### *Evidence, Service of Documents, and Declarations.*

694. Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them

Proof of attestation not required

695. (1) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court before any person having by law or

Admissibility of documents in evidence

<sup>1</sup> Applied 6 Edw 7, c. 58, 7 (1) (c)

consent of parties authority to receive evidence and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same upon payment of a reasonable sum for the same not exceeding four pence for every folio of ninety words but a person shall be entitled to have—

(a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship together with a certified statement showing the ownership of the ship at the time being and

(b) a certified copy of any declaration or document, a copy of which is made evidence by this Act

on payment of one shilling for each copy

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor and be liable on conviction to imprisonment for any term not exceeding eighteen months

(4) If any person forges the seal, stamp or signature of any document to which this section applies or tenders in evidence any such document with a false or counterfeit seal stamp or signature thereto knowing the same to be false or counterfeit, he shall for each offence be guilty of felony and be liable to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour and whenever any such document has been admitted in evidence the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person for such period or subject to such conditions as the court or person thinks fit.

*Service of documents.*

896 (1) Where for the purposes of this Act any document is to be served on any person that document may be served—

(a) in any case by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of abode and

(b) if the document is to be served on the master of a ship where there is one or on a person belonging to a ship by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship and

(c) if the document is to be served on the master of a ship where there is no master and the ship is in the United Kingdom on the manag

ing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship

(2) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall for each offence be liable to a fine not exceeding ten pounds, and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of a misdemeanor.

697. Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under this Act, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant Proof, etc of exemption

698. Any declaration required by this Act to be taken before a justice of the peace or any particular officer may be taken before a commissioner for oaths. Declarations

#### *Application of Penalties and Costs of Prosecutions.*

699. (1) Where any court, justice of the peace, or other magistrate imposes a fine under this Act for which no specific application is herein provided, that court, justice of the peace, or magistrate, may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings Application of penalties

(2) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

- (a) if recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund, and
- (b) if recovered in any British possession, be paid over into the public treasury of that possession, and form part of the public revenue thereof

700. Where an offence under this Act is prosecuted as a misdemeanor the court before whom the offence is prosecuted may in England make the same allowances and order payment of the same costs and expenses as if the offence were a felony, and in any other part of Her Majesty's dominions may make such allowances and order payment of such costs and expenses as are Expenses of prosecution of misdemeanor



consent of parties authority to receive evidence, and, subject to "tions shall be evidence of the matters stated therein in pursuance or by any officer in pursuance of his duties as such officer

(2) A copy of any such document or extract therefrom shall be admissible in evidence if proved to be an examined copy or extract purports to be signed and certified as a true copy or extract by the officer whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same upon payment of a reasonable sum for the same exceeding four pence for every folio of ninety words, but a person shall be entitled to have—

- (a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship together with a certified statement showing the ownership of the ship at the time being and
- (b) a certified copy of any declaration, or document, a copy of which is made evidence by this Act

on payment of one shilling for each copy

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor and be liable on conviction to imprisonment for any term not exceeding eighteen months

(4) If any person forges the seal stamp or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal stamp or signature thereto knowing the same to be false or counterfeit he shall for each offence be guilty of felony and be liable to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years with or without hard labour and whenever any such document has been admitted in evidence the court or the person who admitted the same may on request direct that the same shall be unpounded, and be kept in the custody of some officer of the court or other proper person for such period or subject to such conditions as the court or person thinks fit

Service of documents

696. (1) Where for the purposes of this Act any document is to be served on any person, that document may be served—

- (a) in any case by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of abode and
- (b) if the document is to be served on the master of a ship where there is one or on a person belonging to a ship by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship and
- (c) if the document is to be served on the master of a ship where there is no master, and the ship is in the United Kingdom on the manag

ing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship

(2) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall for each offence be liable to a fine not exceeding ten pounds, and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of a misdemeanor

697. Any exception, exemption, proviso, excuse, or qualification, in *Proof, etc of* relation to any offence under this Act, whether it does or does not accom- *exemption* pany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant

698. Any declaration required by this Act to be taken before a justice *Declarations.* of the peace or any particular officer may be taken before a commissioner for oaths

#### *Application of Penalties and Costs of Prosecutions*

699. (1) Where any court, justice of the peace, or other magistrate *Application* imposes a fine under this Act for which no specific application is herein provi- *of penalties* ded, that court, justice of the peace, or magistrate, may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings

(2) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

- (a) if recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund, and
- (b) if recovered in any British possession, be paid over into the public treasury of that possession, and form part of the public revenue thereof

700. Where an offence under this Act is prosecuted as a misdemeanor *Expenses of* the court before whom the offence is prosecuted may in England make the *prosecution* same allowances and order payment of the same costs and expenses as if the *of misde-* offence were a felony, and in any other part of Her Majesty's dominions may *meanor* make such allowances and order payment of such costs and expenses as are

consent of parties authority to receive evidence and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same upon payment of a reasonable sum for the same not exceeding four pence for every folio of ninety words, but a person shall be entitled to have—

- (a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship together with a certified statement showing the ownership of the ship at the time being and
- (b) a certified copy of any declaration or document, a copy of which is made evidence by this Act

on payment of one shilling for each copy

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor and be liable on conviction to imprisonment for any term not exceeding eighteen months

(4) If any person forges the seal stamp or signature of any document to which this section applies or tenders in evidence any such document with a false or counterfeit seal stamp or signature thereto knowing the same to be false or counterfeit he shall for each offence be guilty of felony and be liable to penal servitude for a term not exceeding seven years or to imprisonment for a term not exceeding two years, with or without hard labour and whenever any such document has been admitted in evidence the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person for such period or subject to such conditions as the court or person thinks fit

*Service of documents.*

896. (1) Where for the purposes of this Act any document is to be served on any person that document may be served—

- (a) in any case by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of abode and
- (b) if the document is to be served on the master of a ship where there is one or on a person belonging to a ship by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship and
- (c) if the document is to be served on the master of a ship where there is no master and the ship is in the United Kingdom on the manag

715 All superintendents shall, when required by the Board of Trade, produce to that board or to its officers all official log-books and other documents which are delivered to them under this Act Production of log books, etc., by superintendent

716 (1) All fees and other sums (other than fines) received by the Board of Trade under the Second, Fourth, and Fifth Parts of this Act shall be carried to the account of the Mercantile Marine Fund Application of fees, fines, etc

(2) All fines coming into the hands of the Board of Trade under this Act shall be paid into the Exchequer as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund

717. The Board of Trade may take any legal proceedings under this Act in the name of any of their officers Legal proceedings

### *Expenses of Commissioners of Customs*

718 All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act shall be considered as expenses having reference to the Revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund Expenses incurred by Commissioners of Customs.

### *Documents and Forms.*

719 All documents purporting to be made, issued, or written by or under the direction of the Board of Trade, and to be sealed with the seal of the Board, or to be signed by their secretary or one of their assistant secretaries, or, if a certificate, by one of the officers of the Marine Department, shall be admissible in evidence in manner provided by this Act. Proof of documents

720 (1) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit Power of Board of Trade to prescribe forms

(2) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.

(3) The Board of Trade shall cause all such forms to be supplied at all custom houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate prices as the Board may fix, or the Board may license any persons to print and sell the forms

(4) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

payable or allowable upon the trial of any misdemeanour or under any law for the time being in force therein.

Payment of  
costs of pro-  
secution of  
offences  
committed in  
Admiralty  
jurisdiction.

701 Such costs and expenses of and incidental to any prosecution for a felony or misdemeanour as are by law payable out of any county or other local rate shall, where the felony or misdemeanour has been committed within the jurisdiction of the Admiralty of England, be paid in the same manner and subject to the same regulations as if the felony or misdemeanour had been committed in the county in which the same is heard and determined, or where the same is heard and determined at the Central Criminal Court as if the same had been committed in the county of London and all sums properly paid out of any county or other local rate in respect of those costs and expenses shall be repaid out of money provided by Parliament

### *Procedure in Scotland*<sup>1</sup>

\* \* \* \* \*

### *Prosecution of Offences in Colonies*

Prosecution  
of offences in  
British  
possession

711 Any offence under this Act shall in any British possession, be punishable by any court or magistrate by whom an offence of a like character is ordinarily punishable or in such other manner as may be determined by any Act or ordinance having the force of law in that possession

### *Application of Part XIII*

Application  
of Part XIII.

712 This part of this Act shall except where otherwise provided apply to the whole of Her Majesty's dominions

## **PART XIV**

### **SUPPLEMENTAL.**

#### *General Control of Board of Trade.*

Superintend-  
ence of  
merchant  
shipping by  
Board of  
Trade

713 The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force except where otherwise provided by those Acts or except so far as those Acts relate to the revenue.

Returns as to  
merchant  
shipping to  
Board of  
Trade

714 All consular officers and officers of customs abroad and all local marine boards and superintendents shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require

<sup>1</sup> S. 70 & 710 are omitted as being inapplicable to India.

being in force relating to merchant seamen or navigation is not complied with, that officer may—

- (a) require the owner, master, or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control,
- (b) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books, or documents, or of any part thereof,
- (c) muster the crew of any such ship, and
- (d) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced

(2) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall for each offence be liable to a fine not exceeding twenty pounds.

### <sup>1</sup> *Surveyors of Ships.*

<sup>1724</sup> (1) The Board of Trade may, at such ports as they think fit, appoint Appointment of surveyors either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a shipwright surveyor or as an engineer surveyor or as both

(2) The Board of Trade may also appoint a surveyor general of ships for the United Kingdom.

(3) The Board of Trade may remove any surveyors of ships and fix and alter their remuneration, and may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made, as to the notice to be given by them when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by them in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made

(4) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration, or gratuity whatever in respect of any duties performed by

(5) Every such book, instrument or paper if made in a form purporting to be the proper form and to be sealed or marked in accordance with this section shall be deemed to be in the form required by this Act unless the contrary is proved.

Exemption  
from stamp  
duty —

721 The following instruments shall be exempt from stamp duty —

- (a) any instruments used for carrying into effect the First Part of this Act and
- (b) any instruments used by or under the direction of the Board of Trade in carrying into effect the Second Fifth Eleventh, and Twelfth Parts of this Act and
- (c) any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade if made in that form

Offences as  
to use of  
forms.

722 (1) If any person—

- (a) forges ~~assists~~ in forging or procures to be forged, the seal or any other distinguishing mark of the Board of Trade on any form issued by the Board of Trade under this Act or
- (b) fraudulently alters or ~~assists~~ in fraudulently altering, or procures to be fraudulently altered, any such form

that person shall in respect of each offence be guilty of a misdemeanor

(2) If any person—

- (a) when a form approved by the Board is, under the Second Part of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved or
- (b) ~~prints~~ ~~sells~~ or uses any document purporting to be a form approved by the Board of Trade knowing the same not to be the form approved for the time being or not to have been prepared or issued by the Board of Trade

that person shall for each offence, be liable to a fine not exceeding ten pounds.

#### *Powers for enforcing Compliance with Act*

723 (1) Where any of the following officers namely —

- any officer of the Board of Trade
- any commissioned officer of any of Her Majesty's ships on full pay,
- any British consular officer
- the Registrar-General of Shipping and Seamen or his assistant,
- any chief officer of Customs in any place in Her Majesty's dominions or
- any superintendent

has reason to suspect that the provisions of this Act or any law for the time

Powers for  
seeing that  
Act is com-  
plied with.

729. (1) An inspector so appointed (in this Act referred to as a Board <sup>Powers of</sup> of Trade inspector) and any person having the powers of a Board of Trade <sup>inspectors</sup> inspector—

- (a) may go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage, and
- (b) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make, and
- (c) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make, and
- (d) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report, and
- (e) may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before any court of record, or if in Scotland to a witness attending on citation the court of Justiciary, and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses

(3) If any person refuses to attend as a witness before a Board of Trade inspector or before any person having the powers of a Board of Trade inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an inspector or person having the powers of an inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds

730 If any person wilfully impedes a Board of Trade inspector or any <sup>Penalty for</sup> person having the powers of a Board of Trade inspector in the execution of <sup>obstructing</sup> his duty, whether on board a ship or elsewhere, that person shall for each <sup>inspectors</sup> in the



him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5) The duties of a surveyor of ships shall be performed under the direction of the Board of Trade, and in accordance with the regulations made by that Board.

Power of  
surveyor for  
purpose of  
survey of  
ships.

725 (1) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the same or any part thereof or any of the machinery boats equipments, or articles on board thereof or any certificates of the master mate, or engineer to which the provisions of this Act or any of the regulations made under this Act apply not unnecessarily detaining or delaying the ship from proceeding on any voyage and if in consequence of any accident to the ship or for any other reason they consider it necessary so to do may require the ship to be taken into dock for the purpose of surveying the hull thereof

(2) If any person hinders any surveyor of ships from going on board any steamship or otherwise impedes him in the execution of his duties under this Act that person shall for each offence be liable to a fine not exceeding five pounds

Returns by  
surveyors to  
Board of  
Trade.

726 (1) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden rate of sailing room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them

(2) The owner master and engineer of any ship so surveyed shall on demand give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) If any owner master or engineer on being applied to for that purpose, fails without reasonable cause to give any such information or assistance he shall for each offence be liable to a fine not exceeding five pounds

Appointment  
of surveyors  
in colonies.

727 The Governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession

#### *Board of Trade Inspectors*

Appointment  
of inspectors  
to report on  
accidents,  
etc.

728 The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused or is alleged to have sustained or caused or
- (b) whether the provisions of this Act or any regulations made under or by virtue of this Act, have been complied with or
- (c) whether the hull and machinery of any steamship are sufficient and in good condition

not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were British ships

*Powers of Colonial Legislature*

735 (1) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession, but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose

Power of Colonial Legislatures to alter provisions of Act

(2) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act

736 The legislature of a British possession may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions —

Regulation of coasting trade by colonial legislature

- (a) the Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed
- (b) the Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made
- (c) where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the thirteenth day of May eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ships of any foreign State any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding

33 Vict.

*Provision for Foreign Places where Her Majesty has Jurisdiction*

737 Where under this Act anything is authorised to be done by, to or before a British consular officer, and in any place outside Her Majesty's dominions in which Her Majesty has jurisdiction there is no such officer, such thing may be done in that place by, to or before such officer as Her Majesty in Council may direct

Provision for foreign places where Her Majesty has jurisdiction

execution of their duty offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the inspector or person having the powers of an inspector or by any person or persons whom that inspector or person may call to his assistance, until he can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

### *Exemption from Rates and Harbour Dues*

Exemption from rates.

731 All lighthouses buoys beacons and all light dues and other rates fees or payments accruing to or forming part of the Mercantile Marine fund, and all premises or property belonging to or occupied by any of the General Lighthouse Authorities or by the Board of Trade, which are used or applied for the purposes of any of the services for which those dues rates fees and payments are received, and all instruments or writings used by or under the direction of any of the General Lighthouse Authorities or of the Board of Trade in carrying on those services shall be exempted from all public parochial, and local taxes duties and rates of every kind.

Exemption from harbour dues.

732 All vessels belonging to or used by any of the General Lighthouse Authorities or the Board of Trade shall be entitled to enter resort to and use any harbours ports docks, or piers in the United Kingdom without payment of any tolls dues, or rates of any kind.

### *Private Signals*

Registration of private code of signals.

733 (1) If a shipowner desires to use for the purpose of a private code any rockets lights or other similar signals he may register those signals with the Board of Trade and that Board shall give public notice of the signals so registered in such manner as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots.

(2) The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

(3) Where a signal has been registered under this section the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any fine or liability under this Act for using or displaying signals improperly.

### *Application of Act to Foreign Ships by Order in Council*

Application by Order in Council of provisions of Merchant Shipping Act to foreign ships.

734. Where it has been made to appear to Her Majesty that the Government of any foreign country is desirous that any of the provisions of this Act or of any Act hereafter to be passed amending the same which do not apply to the ships of that country should so apply and there are no special provisions in this Act for that application Her Majesty in Council may order that such of those provisions as are in the Order specified shall (subject to the limitations, if any contained therein) apply to the ships of that country and to the owners masters seamen and apprentices of those ships when

"Home-trade ship" includes every ship employed in trading or going within the following limits, that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive,

"Home-trade passenger ship" means every home-trade ship employed in carrying passengers.

"Master" includes every person (except a pilot) having command or charge of any ship;

"Sailor" includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship,

"Wages" includes emoluments,

"Effects" includes clothes and documents,

"Salvage" means, in the case of salvage services rendered by the officer or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship,

"Pilot" means any person not belonging to a ship who has the conduct thereof;

"Court" in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates,

"Colonial Court of Admiralty" has the same meaning as in the Colonial Courts of Admiralty Act, 1890,

"A Commissioner for Oaths" means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889,

"Chief Officer of Customs" includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port,

"Superintendent" shall so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

"Consular Officer" when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country,

"Bankruptcy" includes insolvency,

"Representation" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person,

"Legal Personal Representative" means the person so constituted executor, administrator, or other representative, of a deceased person;

"Name" includes a surname;

"Port" includes place;

"Harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works

51  
c. 27.

73  
c. 10

*Orders in Council*

Provision as to Orders in Council.

738 (1) Where Her Majesty has power under this Act or any Act hereafter to be passed amending the same to make an Order in Council Her Majesty may from time to time make that Order in Council, and by Order in Council revoke alter or add to any Order so made

(2) Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting or if not within one month after the then next meeting of Parliament

(3) Subject to any special provisions of this Act, upon the publication of any such Order the Order shall as from the date of the publication or any later date mentioned in the Order take effect as if it were enacted by Parliament

*Transmission and Publication of Documents*

Notice, etc., to be in writing and provision as to sending by post.

739 (1) Where by this Act any notice authority order direction or other communication is required or authorised to be given or made by the Board of Trade or the Commissioners of Customs or the Governor of a British possession, to any person not being an officer of such Board or Commissioners or Governor the same shall be given or made in writing

(2) Where any notice or document is by this Act required or authorised to be transmitted or sent the same may be transmitted or sent by post

Publication in London Gazette.

740 Where a document is required by this Act to be published in the London Gazette it shall be sufficient if notice thereof is published in accordance with the Rules Publication Act 1893

58 & 57  
Vkt., c.

*Exemption of Her Majesty's Ships*

Exemption of H.M. ships.

741 This Act shall not except where specially provided, apply to ships belonging to Her Majesty

*Definitions and Provisions as to Application of Act*

Definitions.

742 In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them that is to say—

*Vessel* includes any ship or boat or any other description of vessel used in navigation

*Ship* includes every description of vessel used in navigation not propelled by oars

*Foreign-going ship* includes every ship employed in trading or going between some place or places in the United Kingdom and some place or places situate beyond the following limits that is to say the coasts of the United Kingdom the Channel Islands and Isle of Man and the continent of Europe between the River Elbe and Brest inclusive ;

"Her Majesty's ship" includes every ship employed in trading or going to or from the United Kingdom, that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

"Home-trade ship" means every home-trade ship employed in home-trade;

"Master" means every person (except a pilot) having command or control of a ship;

"Seaman" includes every person (except masters, pilots, and apprentices) who is or has been or is intended to be employed or engaged in any capacity on board any ship;

"Wreck" includes any wreck;

"Ketch" includes ketches and dromedars;

"Salvo" means the crew and salvage services rendered by the officer in command of the crew of any ship belonging to Her Majesty, to any person in command of that ship;

"Pilot" means any person not belonging to a ship who has the conduct of a ship;

"Court of record or of any proceeding" includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates;

"Colonial Court of Admiralty" has the same meaning as in the Colonial Court of Admiralty Act, 1891;

"A Commissioner for Oaths" means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889;

"Chief Officer of Customs" includes the collector, superintendent, principal port officer, or other chief officer of customs at each port;

"Superintendent" shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

"Consular Officer" when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

"Bankruptcy" includes insolvency;

"Representation" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

"Legal Personal Representative" means the person so constituted executor, administrator, or other representative, of a deceased person;

"Name" includes a surname;

"Port" includes place;

"Harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works;

in or at which ships can obtain shelter or ship and unship goods or passengers,

*Tidal Water* means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour

*Harbour Authority* includes all persons or bodies of persons corporate or unincorporate being proprietors of or intrusted, with, the duty or invested with the power of constructing, improving managing, regulating, maintaining, or lighting a harbour,

*Conservancy Authority* includes all persons or bodies of persons, corporate or unincorporate intrusted with the duty or invested with the power of conserving maintaining or improving the navigation of a tidal water

*Lighthouse* shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal

*Buoys and Beacons* includes all other marks and signs of the sea

*The Trinity House* shall mean the master wardens and assistants of the guild fraternity or brotherhood of the most glorious and undivided Trinity and of St Clement in the parish of Deptford Strond in the county of Kent commonly called the corporation of the Trinity House of Deptford Strond

*The Commissioners of Irish Lights* means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty first years of the reign of Her present Majesty chapter eighty-one intituled An Act to alter the constitution of the Corporation for preserving and improving the Port of Dublin and for other purposes connected with that body and with the Port of Dublin Corporation and any Act amending the same

*Lifeboat Service* means the saving or attempted saving of vessels or of life or property on board vessels wrecked or aground or sunk or in danger of being wrecked or getting aground or sinking

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing

Application  
of Act to  
ships pro-  
pelled by  
electricity  
etc

Application  
of Act to  
certain  
fishing  
vessels

743 Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation

744 Ships engaged in the whale seal walrus or Newfoundland cod fisheries shall be deemed to be foreign going ships for the purpose of this Act and not fishing boats with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland

*Repeal and Savings*

745. (1) <sup>1</sup> [The Acts mentioned in the Twenty-second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule  
Provided that—]

- (a) Any Order in Council, licence, certificate, bye-law, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act
- (b) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act
- (c) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act.
- (d) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892 which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act
- (e) Ships registered under the Merchant Shipping Act, 1854, and the Acts amending the same, or duly registered before the passing of the Merchant Shipping Act, 1854, shall be deemed to have been registered under this Act
- (f) Nothing in this Act shall affect the Behring Sea Award Act, 1894, and that Act shall have effect as if this Act had not passed

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals

(3) The tonnage of every ship not measured or remeasured in accordance with the Merchant Shipping (Tonnage) Act, 1889, shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act, 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

746. (1) Nothing in this Act shall affect the Chinese Passengers Act, Savings 1855

(2) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act

(3) Nothing in this Act shall affect the rating of any seaman who was rated and served as A B. before the second day of August one thousand eight hundred and eighty



*Short Title and Commencement*

- Short title. \* 747 This Act may be cited as the Merchant Shipping Act 1894
- Commence-  
ment. 748 This Act shall come into operation on the first day of January one thousand eight hundred and ninety five

## SCHEDULES

## FIRST SCHEDULE

## PART I

*[The forms in this Part of the Schedule are subject to alteration from time to time, by the Commissioners of Customs with the consent of the Board of Trade]*

## FORM A — BILL OF SALE.

Sections 24  
31 37 65

Official No.	Name of ship.	No. Date and Port of Registry
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No. Date, and Port of previous Registry (if any).

Whether British or Foreign built.	Whether a sailing or Steam ship and if a Steam ship, how propelled.	Where built.	When built.	Name and address of builders.
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No. of Decks	Head	Length from fore part of Stem, under the bowsprit, to the aft side of the Head of the Stern-post	Feet.	Tenths
No. of Masts	Framework and description of vessel	Length at quarter of depth from top of Weather Deck at side amidships to bottom of keel		
Rigged	No. of Bulkheads	Main breadth to outside of Plank		
Stern	No. of water ballast tanks and their capacity in tons	Depth in Hold from Tonnage Deck to Ceiling at Midships		
Build		Depth in Hold from Upper Deck to Ceiling at Midships in the case of three Deck and upwards		
Galleries		Depth from top of Beam and labip to top of keel		
		Depth from top of Deck at side amidships to bottom of keel		
		Stowage of Beam		
		Length of Engine Room if any		

## PARTICULARS OF DISPLACEMENT

Total to quarter the depth from Weather Deck ; Ditto per inch immersion to same depth  
at 110 amidships to bottom of keel      tons      tons

## PARTICULARS OF ENGINES (if any)

No of Engines	Description	Whether British or Foreign made	When made	Name and Address of makers	No of and Diameter of Cylinders	Length of Stroke	N H P, I H P, Speed of Ship
	Engines		Engines	Engines			
	Boilers Number Iron or Steel Pressure when loaded		Boilers	Boilers			

## PARTICULARS OF TONNAGE.

GROSS TONNAGE	No of Tons	DEDUCTIONS ALLOWED	No of Tons
Under tonnage Deck Closed-in Spaces above the tonnage Deck, if any Space or Spaces between Deck Poop Forecastle Roundhouse Other closed-in Spaces, Spaces for Machinery, Light and Air, if any		On account of Space required for Propelling Power On account of Spaces occupied by Seamen or Apprentices, and appropriated to their use, and certified under the regulations scheduled to this Act These Spaces are the following, viz  On account of space used exclusively for accommodation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores, and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails Cubic Metres	
Gross Tonnage			
Deductions as per Contract			
Registered Tonnage		Total deductions	

I<sup>a</sup>

in consideration of the Sum of \_\_\_\_\_ paid to<sup>b</sup> \_\_\_\_\_ by \_\_\_\_\_  
the receipt whereof is hereby acknowledged, transfer \_\_\_\_\_ shares in  
the ship above particularly described, and in her boats, guns, ammunition,  
small arms, and appurtenances, to the said \_\_\_\_\_

Further<sup>c</sup> \_\_\_\_\_ the said \_\_\_\_\_ for<sup>d</sup> \_\_\_\_\_ heirs  
covenant with the said \_\_\_\_\_ and<sup>e</sup> \_\_\_\_\_ assigns,

\* "I or we"  
b "Me" or  
"us"  
c "I" or  
"we"  
d "Myself  
and my" or  
"ourselves  
and our"  
e "His,"  
"her," or  
"their"

## Short Title and Commencement

- Short title.    \* 747 This Act may be cited as the Merchant Shipping Act, 1894
- Commence-    748 This Act shall come into operation on the first day of January one  
ment.    thousand eight hundred and ninety five

## SCHEDULES

## FIRST SCHEDULE

## PART I

*(The forms in this Part of the Schedule are subject to alteration from time to time, by the Commissioners of Customs with the consent of the Board of Trade.)*

Sections 24,  
31 37 65

## FORM A—BILL OF SALE

Official No.	Name of ship.	No. Date and Port of Registry

No. Date, and Port of previous Registry (if any).

Whether British or Foreign built.	Whether a sailing or Steam ship, and if a Steam ship, how propelled.	Where built.	When built.	Name and address of builders.

No of Decks	Head	Length from fore part of Stern, under the bowsprit, to the aft side of the Head of the Stern-post	Feet.	Tenths
No. of Masts	Framework and description of vessel	Length at quarter of depth from top of Weather Deck at side amidships to bottom of Keel		
Rigged	No. of Bulkheads	Main breadth to outside of Plank		
Stern	No. of water ballast tanks and their capacity in tons	Depth in Hold from Tonnage Deck to Ceiling at Midships		
Build		Depth in Hold from Upper Deck to Ceiling at Midships in the case of three Decks and upwards		
Galleries		Depth from top of Beam amidship to top of Keel		
		Depth from top of Deck at side amidships to bottom of keel		
		Run of Beam		
		Length of Engine Room, if any		

## PARTICULARS OF DISPLACEMENT

Total quarter the depth from Weather Deck,    Depth per ton in hold as same depth at side amidships to bottom of Keel    ton    tons

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instruments*

## 11. TO SECURE ACCOUNT CURRENT, ETC

Whereas<sup>f</sup> \_\_\_\_\_<sup>f</sup> Here state  
Now<sup>a</sup> \_\_\_\_\_ the undersigned \_\_\_\_\_ in consideration of by way of  
the premises for<sup>b</sup> \_\_\_\_\_ and<sup>d</sup> \_\_\_\_\_ heirs covenant with the said \_\_\_\_\_ recital that  
and<sup>e</sup> \_\_\_\_\_ assigns, to pay to him or them the sums for the time being there is an  
due on this security, whether by way of principal or interest, at the times and the Mort-  
manner aforesaid And for the purpose of better securing to the said \_\_\_\_\_ gator (de-  
\_\_\_\_\_ the payment of such sums as last aforesaid<sup>a</sup>, \_\_\_\_\_ do him),  
hereby mortgage to the said \_\_\_\_\_ shares, of which<sup>h</sup> \_\_\_\_\_ the and the Mort-  
Owner \_\_\_\_\_ in the Ship above particularly described, and in her boats, gagee (de-  
guns, ammunitions, small arms, and appurtenances and describe  
the nature  
of the trans-  
action so as to  
show how the  
amount of  
principal  
and interest  
due at any  
given time is  
to be  
ascertained  
and the  
manner and  
time of  
payment  
s "His" or  
"their"  
h "I am"  
or "we are"  
i If any prior  
incumbrance,  
add, "save as  
appears by  
the Registry  
of the said  
Ship"

Lastly<sup>a</sup>, \_\_\_\_\_ for<sup>b</sup> \_\_\_\_\_ and<sup>d</sup> \_\_\_\_\_ heirs, covenant with  
the said \_\_\_\_\_ and<sup>e</sup> \_\_\_\_\_ assigns that<sup>a</sup> \_\_\_\_\_  
ha \_\_\_\_\_ power to mortgage in manner aforesaid the abovementioned  
shares, and that the same are free from incumbrances<sup>i</sup>

In witness whereof<sup>a</sup> \_\_\_\_\_ ha \_\_\_\_\_ hereto subscribed<sup>b</sup> \_\_\_\_\_ name  
\_\_\_\_\_ and affixed<sup>b</sup> \_\_\_\_\_ seal \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instrument*

## FORM C—TRANSFER OF MORTGAGE.

[To be indorsed on the original Mortgage]

" \_\_\_\_\_ the within-mentioned \_\_\_\_\_ in consideration of \_\_\_\_\_ a "I" or  
this day paid to<sup>e</sup> \_\_\_\_\_ by \_\_\_\_\_ hereby transfer to<sup>d</sup> \_\_\_\_\_ b "we"  
the benefit of the within written security In witness whereof<sup>a</sup> \_\_\_\_\_ b "My" or  
ha \_\_\_\_\_ hereunto subscribed<sup>b</sup> \_\_\_\_\_ name \_\_\_\_\_ and affixed<sup>b</sup> \_\_\_\_\_ c "our"  
seal \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred d "Me" or  
and \_\_\_\_\_ e "us"  
f "To him" or "them"

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

"I" or  
we  
If there be  
any subsisting  
Mortgage, or  
outstanding  
certificate of  
Mortgage add  
"save as ap-  
pears by the  
Registry of  
the said  
Ship."

that<sup>a</sup> — have power to transfer in manner aforesaid the premises herein before expressed to be transferred and that the same are free from incumbrances<sup>b</sup> —

In witness whereof — ha — hereto subscribed — name  
— and affixed — seal this — day of — One thousand  
eight hundred and —

Executed by the above-named — }  
in the presence of — }

NOTE.—A purchaser of a Registered British Vessel does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the Ship; and neglect of this precaution may entail serious consequences.

### FORM B—MORTGAGE.

[Insert description of ship and particulars as in Bill of Sale]

#### 1. TO SECURE PRINCIPAL SUM AND INTEREST

"I" or  
we."  
"Me" or  
us."  
"Myself  
or our  
selves."  
"My" or  
our  
Insert the  
day fixed for  
payment of  
principal as  
above

" — the undersigned —  
in consideration of — this day lent to<sup>b</sup> — by —  
do hereby for<sup>a</sup> — and<sup>d</sup> — heirs, covenant with the said —  
firstly That<sup>a</sup> — or<sup>d</sup> — heirs executors, or administrators,  
will pay to the said — the said sum of — together  
with interest thereon at the rate of — per cent. per annum on the — day  
of — next and secondly that if the said principal sum is not paid  
on the said day<sup>a</sup> — or<sup>d</sup> — heirs, executors, or administrators  
will during such time as the same or any part thereof remains unpaid, pay  
to the said — interest on the whole or such part thereof as may for the  
time being remain unpaid at the rate of — per cent per annum  
by equal half yearly payments on the — day of — and  
— day of — in every year and for better securing to the

"I am or  
we are."

"I or  
we."  
"Myself"  
or "our  
selves."  
"My" or  
"our"  
If any  
prior incum-  
brance add,  
"save as  
appears by  
the Registry  
of the said  
Ship."

said — the repayment in manner aforesaid of the said principal  
sum and interest<sup>a</sup> — hereby mortgage to the said —  
shares, of which<sup>c</sup> — the Owner — in the Ship above particularly  
described and in her boats, guns, ammunition, small arms and appurte-  
nances Lastly<sup>a</sup>, — for<sup>b</sup> — and<sup>d</sup> — heirs, covenant with  
the said — and — assigns that<sup>a</sup> —  
power to mortgage in manner aforesaid the abovementioned shares and that  
the same are free from incumbrances, —

In witness whereof — ha — hereto subscribed<sup>f</sup> —  
name — and affixed<sup>f</sup> — seal — this — day of — One  
thousand eight hundred and —

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instruments*

## ii. TO SECURE ACCOUNT CURRENT, ETC

Whereas<sup>f</sup> \_\_\_\_\_ ' Here state  
Now<sup>a</sup> \_\_\_\_\_ the undersigned \_\_\_\_\_ in consideration of by way of  
the premises for<sup>b</sup> \_\_\_\_\_ and<sup>d</sup> \_\_\_\_\_ heirs covenant with the said \_\_\_\_\_ recital that  
and<sup>e</sup> \_\_\_\_\_ assigns, to pay to him or them the sums for the time being account cur-  
due on this security, whether by way of principal or interest, at the times and rent between  
manner aforesaid And for the purpose of better securing to the said \_\_\_\_\_ the Mort-  
\_\_\_\_\_ the payment of such sums as last aforesaid<sup>a</sup>, \_\_\_\_\_ gator (de-  
hereby mortgage to the said \_\_\_\_\_ shares, of which<sup>h</sup> \_\_\_\_\_ scribing  
Owner \_\_\_\_\_ in the Ship above particularly described, and in her boats, him),  
guns, ammunitions, small arms, and appurtenances and the Mort-  
\_\_\_\_\_ and describe  
\_\_\_\_\_ the nature  
\_\_\_\_\_ of the trans-  
\_\_\_\_\_ action so as to  
\_\_\_\_\_ show how the  
\_\_\_\_\_ amount of  
\_\_\_\_\_ principal  
\_\_\_\_\_ and interest  
\_\_\_\_\_ due at any  
\_\_\_\_\_ given time is  
\_\_\_\_\_ to be  
\_\_\_\_\_ ascertained  
\_\_\_\_\_ and the  
\_\_\_\_\_ manner and  
\_\_\_\_\_ time of  
\_\_\_\_\_ payment  
\_\_\_\_\_ " His " or  
\_\_\_\_\_ " their "  
\_\_\_\_\_ " I am "  
\_\_\_\_\_ or " we are "  
\_\_\_\_\_ If any prior  
\_\_\_\_\_ incumbrance,  
\_\_\_\_\_ add, " save as  
\_\_\_\_\_ appears by  
\_\_\_\_\_ the Registry  
\_\_\_\_\_ of the said  
\_\_\_\_\_ Ship "

Lastly<sup>a</sup>, \_\_\_\_\_ for<sup>b</sup> \_\_\_\_\_ and<sup>d</sup> \_\_\_\_\_ heirs, covenant with  
the said \_\_\_\_\_ and<sup>e</sup> \_\_\_\_\_ assigns that<sup>a</sup> \_\_\_\_\_  
ha \_\_\_\_\_ power to mortgage in manner aforesaid the abovementioned  
shares, and that the same are free from incumbrances<sup>i</sup>

In witness whereof<sup>a</sup> \_\_\_\_\_ ha \_\_\_\_\_ hereto subscribed<sup>b</sup> \_\_\_\_\_ name  
\_\_\_\_\_ and affixed<sup>b</sup> \_\_\_\_\_ seal \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a mortgage takes its priority from the date of production for registry, *not from the date of the instrument*

## FORM C — TRANSFER OF MORTGAGE.

[To be indorsed on the original Mortgage]

" \_\_\_\_\_ the within-mentioned \_\_\_\_\_ in consideration of \_\_\_\_\_ " " I " or  
this day paid to<sup>c</sup> \_\_\_\_\_ by \_\_\_\_\_ hereby transfer to<sup>d</sup> \_\_\_\_\_ " we "  
the benefit of the within written security In witness whereof<sup>a</sup> \_\_\_\_\_ " My " or  
ha \_\_\_\_\_ hereunto subscribed<sup>b</sup> \_\_\_\_\_ name \_\_\_\_\_ and affixed<sup>b</sup> \_\_\_\_\_ " our "  
seal \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred " Me " or  
and \_\_\_\_\_ " us "  
\_\_\_\_\_ " To him " or  
\_\_\_\_\_ or " them "

Executed by the above-named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }

## PART II.

*Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.*

Certificate of surveyor  
 Declaration of ownership by individual owner  
 Declaration of ownership on behalf of a corporation as owner  
 Certificate of registry  
 Provisional certificate  
 Declaration of ownership by individual transferee.  
 Declaration of ownership on behalf of a corporation as transferee.  
 Declaration of owner taking by transmission.  
 Declaration by mortgagee taking by transmission.  
 Certificate of mortgage.  
 Certificate of sale  
 Revocation of certificate of sale or mortgage

## SECOND SCHEDULE.

## MEASUREMENT OF TONNAGE.

## Rule 1

*Rules for  
 measurement  
 of Tonnage.*

Sections 77  
 8, 81, 85.  
 RULE I.

Measurement  
 of ships to be  
 registered  
 and other  
 ships of  
 which the  
 hold is  
 clear

Lengths.

(1) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck and also what is due to the rake of the stern timber in one-third of the round of the beam, divide the length so taken into the number of equal parts required by the following table according to the class in such table to which the ship belongs

## TABLE.

- Class 1 Ships of which the tonnage deck is according to the above measurement 50 feet long or under into 4 equal parts
- Class 2 Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120 into 6 equal parts
- Class 3 Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180 into 8 equal parts

Class 1. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts :

Class 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts :

(2) Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of the ship at each point of division of the length as follows — Measure the depth at each point of division, from a point at a distance of one-third of the round of the beam below the tonnage deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast), then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts, then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement, number these breadths from above (*i.e.*, numbering the upper breadth one, and so on down to the lowest breadth), multiply the second and fourth by four, and the third by two, add these products together, and to the sum add the first breadth and the fifth, multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area, but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth, number them from above as before, multiply the second, fourth, and sixth by four, and the third and fifth by two, add these products together, and to the sum add the first breadth and the seventh, multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

(3) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage under the tonnage deck in the following manner —

Number the areas respectively 1, 2, 3, etc., No 1 being at the extreme limit of the length at the bow, and the last No at the extreme limit at the length at the stern, then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two, add these products together, and to the sum add the first and last if they yield any thing, multiply the quantity thus obtained by one-third of the common interval between the areas, and the product



will be the cubical contents of the space under the tonnage deck divide this product by one hundred and the quotient being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship subject to any additions and deductions under this Act.

In case of  
decks above  
the tonnage  
deck.

(4) If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows —

Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed, measure (also at the middle of its height) the inside breadth of the space at each of the points of division also the breadth at the stem and the breadth at the stern number them successively 1 2 3 etc commencing at the stem multiply the second and all the other even numbered breadths by four and the third and all the other odd numbered breadths (except the first and last) by two to the sum of these products add the first and last breadths multiply the whole sum by one-third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space, measure the mean height of the space and multiply by it the mean horizontal area, and the product will be the cubical contents of the space divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid If the ship has more than three decks the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deck  
house fore-  
castle and  
any other  
closed-in  
space.

(5) If there be a break a poop or any other permanent closed in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew the tonnage of that space shall be ascertained as follows — Measure the internal mean length of the space in feet, and divide it into two equal parts measure at the middle of its height three inside breadths namely one at each end and the other at the middle of the length then to the sum of the end breadths add four times the middle breadth and multiply the whole sum by one-third of the common interval between the breadths the product will give the mean horizontal area of the space then measure the mean height and multiply by it the mean horizontal area divide the product by one hundred and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage under the tonnage deck ascertained as aforesaid Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers and approved by the Board of Trade

## Rule II.

## Rule II

Measurement  
of ships not  
requiring  
registry with

(1) Measure the length on the uppermost deck from the outside of the outer plank at the stem to the aft side of the stern post deducting therefrom the distance between the aft side of the stern post and the rabbet of the stern post

at the point where the counter plank crosses it, measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girth the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid, then multiply this product by the factor 0018 (eighteen ten-thousandths) in the case of ships built of wood, and '0021 (twenty-one ten thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to any additions and deductions, under this Act.

(2) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

### *Rule III.*

(1) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length, take the mean of those breadths, measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery, multiply together these three dimensions of length, breadth, and depth, divide the product by 100, and the result shall be deemed the tonnage of the space below the crown, then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof, add such contents to the cubical contents of the space below the crown, divide the sum by 100, and the result shall (subject to the provisions herein-after contained) be deemed to be the tonnage of the space.

(2) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

(3) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100.

(4) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces or if any cabins be fitted in the space the ship shall be deemed to be a ship not registered until remeasurement

Rule IV

#### Rule IV

(4) In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement and the depths shall be taken from an athwartship line extended from upper edge to upper edge of the said strake at each division of the length

### THIRD SCHEDULE

#### TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS

	£	s.	d.
For a ship under 50 tons register tonnage	1	0	0
" from 50 to 100 tons "	1	10	0
" " 100 to 200 " "	-	0	0
" " 200 to 500 " "	3	0	0
" " 500 to 800 " "	4	0	0
" " 800 to 1,200 " "	5	0	0
" " 1,200 to 2,000 " "	6	0	0
" " 2,000 to 3,000 " "	7	0	0
" " 3,000 to 4,000 " "	8	0	0
" " 4,000 to 5,000 " "	9	0	0
" " 5,000 and upwards "	10	0	0

### FOURTH SCHEDULE.

#### TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION

##### *For Certificates as Masters and Mates*

	£	s.	d.
Certificate as Master	2	0	0
Certificate as Mate	1	0	0

##### *For Certificates as Engineers*

	£	s.	d.
Certificate as first-class Engineer	2	0	0
Certificate as second-class Engineer	1	0	0

### FIFTH SCHEDULE

#### REGULATIONS TO BE OBSERVED WITH RESPECT TO ANTI SCORBUTICS

##### *Furnishing of Anti Scorbutics*

(1) The anti-scorbutics to be furnished shall be lime or lemon juice, or such other anti-scorbutics (if any) of such quality and composed of such materials and packed and kept in such manner as Her Majesty by Order in Council may direct.

(2) No lime or lemon juice shall be deemed fit and proper to be taken on board ship, for the use of crew or passengers thereof, unless it has been obtained from a bonded warehouse for and to be shipped as stores.

(3) Lime or lemon juice shall not be so obtained or delivered from a warehouse as aforesaid, unless—

(a) it is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, the certificate to be given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse ; and

(b) it contains fifteen per cent. of proper and palatable proof spirit, to be approved by the inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof ; and

(c) it is packed in such bottles at such time and in such manner and is labelled in such manner as the Commissioners of Customs may direct

(4) If the lime or lemon juice is deposited in a bonded warehouse, and has been approved as aforesaid by the inspector, the spirit, or the amount of spirit necessary to make up fifteen per cent , may be added in the warehouse, without payment of any duty thereon , and when any spirit has been added to any lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(5) The lime or lemon juice with which a ship is required by this Act to be provided shall be taken from the warehouse duly labelled as aforesaid, and the labels shall remain intact until twenty-four hours at least after the ship has left her port of departure on her foreign voyage

#### *Serving out of Anti-Scorbutics.*

(6) The lime or lemon juice shall be served out with sugar (the sugar to be in addition to any sugar required by the agreement with the crew).

(7) The anti-scorbutics shall be served out to the crew so soon as they have been at sea ten days ; and during the remainder of the voyage, except during such time as they are in harbour, and are there supplied with fresh provisions.

(8) The lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out.

(9) The other anti-scorbutics, if any, provided in pursuance of an Order in Council, shall be served out at such time and in such quantities as the Order in Council directs.

## SIXTH SCHEDULE

## REGULATIONS TO BE OBSERVED WITH RESPECT TO ACCOMMODATION ON BOARD SHIPS

*Accommodation.*  
Sections 70  
210.

(1) Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the Second Part of this Act to contain available for the proper accommodation of the men who are to occupy it and shall be securely constructed properly lighted and ventilated properly protected from weather and sea and as far as practicable properly shut off and protected from effluvia which may be caused by cargo or bilge water

(2) A place so occupied and appropriated as aforesaid shall not authorise a deduction from registered tonnage under the tonnage regulations of this Act unless there be in the ship properly constructed privies for the use of the crew of such number and of such construction as may be approved by the surveyor of ships

(3) Every place so occupied and appropriated as aforesaid shall when ever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act who shall if satisfied that the same is in all respects such as is required by this Act give to the collector of customs a certificate to that effect and if the certificate is obtained but not otherwise the space shall be deducted from the register tonnage

(4) No deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the door way or hatchway of every place so occupied and appropriated the number of men which it is constructed to accommodate with the words Certified to accommodate seamen

(5) Upon any complaint concerning any place so occupied and appropriated as aforesaid a surveyor of ships may inspect the place and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the chief officer of customs at the port where the ship is registered and thereupon the register tonnage shall be altered, and the deduction aforesaid in respect of space disallowed unless and until it be certified by the surveyor or by some other surveyor of ships that the provisions of this Act in respect of the place are fully complied with

*Maximum Fees for Inspection*

(6) The fee for each visit to the ship shall not exceed ten shillings

(7) The aggregate amount of the fees for any such inspection shall not exceed one pound whatever be the number of separate visits

(8) When the accommodation is inspected at the same time with the measurement of the tonnage no separate fee shall be charged for the inspection.

## SEVENTH SCHEDULE

## CONSTITUTION OF LOCAL MARINE BOARDS.

*Elections.*

1. A local marine board shall consist of the following members, *viz.*,—

Constitution  
of local  
marine  
board  
Section 244

(a) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint :

(b) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof :

(c) Six members elected by the owners of such foreign-going ships and home-trade passenger ships as are registered at the port.

2. The election shall be held on the twenty-fifth day of January one thousand eight hundred and ninety-six, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

3. Upon the conclusion of that month and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place

4 A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens, and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new board

5 The mayor or provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days' notice thereof

6 The Board of Trade may decide any question raised concerning any election

*Registry and Votes of Electors*

7 Owners of foreign-going ships and of home trade passenger ships registered at the port shall have votes at the election as follows, namely,

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8 The qualification of electors shall be ascertained as follows —

(a) In the case of a ship registered in the name of one person, that person shall be deemed the owner

(b) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be

apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him

- (c) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage if any, owned by the joint owners to give a qualification to each of them be apportioned equally between or among the joint owners and each of them shall be deemed the owner of the equal share so apportioned to him but if it is not so sufficient the whole of the tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register
- (d) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount
- (e) The whole amount of tonnage so owned by each person whether in ships or shares of or interest in ships shall be added together and if sufficient shall constitute his qualification

9 The chief officer of customs in the port shall with the assistance of the Registrar General of Shipping and Seamen on or before the twenty fifth day of December in the year one thousand eight hundred and ninety five, and in every third succeeding year make out an alphabetical list of the persons entitled by this Act to vote at the election containing the name and residence of each such person and the number of votes to which he is entitled and shall sign the list and shall cause a sufficient number of copies thereof to be printed and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list and permit the same to be perused by any person without payment at all reasonable hours during those two weeks

10 The mayor or provost of the port or such of them if more than one as is or are for the time being so appointed as aforesaid, shall at least twenty days before the twenty fifth day of January one thousand eight hundred and ninety-six, and in each succeeding third year nominate two justices of the peace (in this schedule referred to as the revisors) to revise the list

11 The revisors shall between the eighth and fifteenth days of January both inclusive in the year in which they are nominated revise the list at the custom house of the port or in some convenient place near thereto to be hired if necessary by the said chief officer

12 The revisors shall give three clear days notice of the revision by advertising the same in some local newspaper and by affixing a notice thereof on or near to the doors of the custom house

13 The revisors shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein and gives proof

satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof, satisfactory to the revisors, that the name objected to ought not to have been inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of votes at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port, and the Registrar-General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

19. The revisors shall certify the expenses properly incurred by the chief officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election, and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list, and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

#### *Qualification of Members.*

21. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified, and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

#### *Application to Corporations*

22. A corporation owning a ship shall be entitled to be registered in like manner as any individual, with the substitution of the office of the corporation



for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter that person shall cease to be a member and another member shall be elected in his place.

## EIGHTH SCHEDULE

### Section 254      PARTICULARS TO BE REGISTERED BY MASTER OF A SHIP CONCERNING A BIRTH AT SEA.

Date of birth.

Name (if any) and sex of the child

Name and surname, rank, profession, or occupation of the father.

Name and surname and maiden surname of the mother

Nationality and last place of abode of the father and mother

### *Particulars to be registered by Master of a Ship concerning a Death at Sea*

Date of death.

Name and surname

Sex.

Age.

Rank, profession or occupation

Nationality and last place of abode

Cause of death

## NINTH SCHEDULE

### PART I

#### *Maximum Fees to be paid for Passenger Steamer's Certificate*

	£	s	d
For passenger steamers not exceeding 100 tons	4	0	0
Exceeding 100 tons and not exceeding 300 tons	6	0	0
Exceeding 300 tons and not exceeding 600 tons	8	0	0
And for every additional 300 tons above 600 an additional	2	0	0

### PART II

#### *Maximum Fees for Survey of Emigrant Ships*

	£	s	d
For an ordinary survey of the ship and of her equipment accommodation stores, light, ventilation, sanitary arrangements, and medical stores	10	0	0
For a special survey	15	0	0

## TENTH SCHEDULE

[*This schedule will be repealed as from the date on which regulations are prescribed by the Board of Trade in substitution therefor. See 6 Edw. 7, c 48, ss 17, 85, Sch II.*]

REGULATIONS AS TO NUMBER OF PERSONS CARRIED ON EMIGRANT SHIPS Sections 292  
367.

(1) An emigrant ship shall not carry under the poop or in the round house or deck house or on the upper passenger deck, a greater number of steerage passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use

(2) An emigrant ship shall not carry on the lower passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use

(3) Provided, that if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of steerage passengers on that deck than in the proportion of one statute adult to every twenty-five clear superficial feet thereof

(4) An emigrant ship, whatever be her superficial space of decks, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or on any round house or deck house which shall be secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance

(5) In the measurement of the passenger decks, poop, round house or deck house, the space for the hospital, and the space occupied by that part of the personal luggage of the steerage passengers which the emigration officer permits to be carried there, shall be included

## ELEVENTH SCHEDULE

[*This schedule will be repealed as from the date on which regulations are prescribed by the Board of Trade in substitution therefor. See 6 Edw 7, c 48, ss 17, 85, Sch II*]

REGULATIONS AS TO THE ACCOMMODATION FOR STEERAGE PASSENGERS Section 293.*Construction of Passenger Decks.*

(1) The beams supporting the passenger decks shall form part of the permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction

(2) The passenger decks shall be at least one inch and a half thick,

and shall be laid and firmly fastened on the beams continuously from side to side of the compartment in which the steerage passengers are berthed

(3) The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet

### *Berths*

(4) There shall not be more than two tiers of berths on any one deck. The interval between the floor of berths and the deck immediately beneath it shall not be less than six inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches.

(5) The berths shall be securely constructed and of dimensions not less than six feet in length and eighteen inches in breadth for each statute adult and shall be sufficient in number for the proper accommodation of all the steerage passengers contained in the lists of passengers by this Act required to be delivered by the master of the ship

(6) No part of any berth shall be placed within nine inches of any water closet erected in the between-decks.

(7) All male steerage passengers of the age of fourteen years and upwards (except those who occupy berths with their wives) shall to the satisfaction of the emigration officer at the port of clearance be berthed in the fore part of the ship in a compartment divided off from the space appropriated to the other steerage passengers by a substantial and well-secured bulkhead with out opening into or communicating with any adjoining steerage passenger's berth or if the ship is fitted with enclosed berths in separate rooms

(8) Not more than one steerage passenger except in the case of husband and wife or females or children under the age of twelve years, shall be placed in or occupy the same berth.

(9) Berths occupied by steerage passengers during the voyage shall not be taken down until forty eight hours after the arrival of the ship at the port of final discharge unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time. The master of the ship shall alone be liable to a fine for breach of this regulation

### *Hospitals*

(10) Sufficient space shall be set apart in every emigrant ship for use exclusively as a hospital for the steerage passengers properly divided off to the satisfaction of the emigration officer at the port of clearance

(11) The space set apart for a hospital shall be under the poop or in the round house or in any deck house which shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance or on the upper passenger deck and not elsewhere

(12) The space so set apart shall contain not less than eighteen cubic feet for every fifty steerage passengers whom the ship carries and shall be fitted with bed places and supplied with proper beds, bedding, and utensils

to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied

*Privies.*

(13) Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with at least two privies, and with two additional privies on deck for every one hundred steerage passengers on board, and in ships carrying as many as fifty female steerage passengers with at least two water closets under the poop or elsewhere on the upper deck to the satisfaction of the emigration officer for the exclusive use of women and young children. The privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

(14) All such privies and water-closets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

(15) The master of the ship shall alone be liable to a fine for breach of the regulations as to privies.

*Light and Ventilation.*

(16) Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and if there are as many as one hundred steerage passengers on board, shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

(17) The steerage passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as will, in the opinion of the emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit

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TWELFTH SCHEDULE.

[*This schedule will be repealed as from the date on which scales are prescribed by the Board of Trade in substitution thereof See 6 Edw 7, c 48, ss. 17, 85, Sch II*]

WATER AND PROVISIONS

Water and provisions shall be issued to the steerage passengers according Section 298 to the following dietary scales, that is to say,—

*Water.*

Three quarts daily to each statute adult, exclusive of the quantity necessary for cooking any article issued under this schedule in a cooked state.

## Provisions

Weekly, per statute adult —

	SCALE A.		SCALE B.	
	For Voyages not exceeding 84 days for Sailing Ships or 60 days for Steamships or ships having steam power in aid of sails.		For Voyages exceeding 84 days for Sailing Vessels or 60 days for Steamships or ships having steam power in aid of sails.	
	lbs.	ozs.	lbs.	ozs.
Bread or biscuit, not inferior to navy biscuit	3	8	3	8
Wheaten flour	1	0	2	0
Oatmeal	1	8	1	0
Rice	1	8	0	8
Peas	1	8	1	8
Beef	1	4	1	4
Pork	1	0	1	0
Butter	—	—	0	4
Potatoes	2	0	2	0
Sugar	1	0	1	0
Tea	0	2	0	2
Salt	0	2	0	2
Mustard	0	$\frac{1}{2}$	0	$\frac{1}{2}$
Pepper (white or black), ground	0	$\frac{1}{2}$	0	$\frac{1}{2}$
Vinegar	On gill.	—	One gill	—
Preserved meat			1	0
Suet			0	0
Raisins			0	8
Lime juice			0	6

(See below)

## Substitutions

Substitutions at the following rates may at the option of the master of any emigrant ship be made in the above dietary scales as follows that is to say

1½ lb of soft bread baked on board	}	for	1 lb of flour or 1 lb of biscuit or 1½ lb of oatmeal or 1 lb of rice or 1 lb of peas
1 lb of preserved meat			1 lb of salt pork or beef
1 lb of flour or of bread or biscuit or 4 lb of beef or of pork	}	for	1½ lb of oatmeal or 1 lb of rice or 1 lb of peas
1 lb of rice			1½ lb of oatmeal or rice
1 lb of preserved potatoes		for	1 lb of potatoes

10 oz of currants . . . . .	for 8 oz of raisins
3½ oz of cocoa or of coffee, roasted and ground . . . . .	} for 2 oz of tea.
¾ lb of treacle . . . . .	
1 gill of mixed pickles . . . . .	for ½ lb of sugar.
	for 1 gill of vinegar

Provided that the substituted articles are set forth in the contract tickets of the steerage passengers

### *Regulations as to Lime Juice*

When the ship is not in the tropics, it shall not be obligatory to issue lime juice, but lime juice may be issued at the discretion of the medical practitioner on board, or if there is no such medical practitioner, at the discretion of the master

### *Regulations as to Messes and issue of Provisions*

(1) Steerage passengers may be divided into messes, but a mess shall not consist of more than ten statute adults

(2) Members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess

(3) Water and provisions according to the above scales shall be issued daily before two o'clock in the afternoon to the head person for the time being of each mess, on behalf and for the use of the members thereof

(4) The first of the issues shall be made before two o'clock in the afternoon of the day of embarkation to such of the steerage passengers as are then on board

(5) Such provisions as require to be cooked shall be issued in a properly cooked state

## THIRTEENTH SCHEDULE.

[*This schedule will be repealed as from the date on which conditions are prescribed by the Board of Trade in substitution therefor See 6 Edw 7, c 48, ss 17, 85, Sch II*]

### CONDITIONS FOR CARRIAGE OF HORSES AND CATTLE IN EMIGRANT SHIPS Section 301.

(1) The animals shall not be carried below any deck on which steerage passengers are berthed, nor in any compartment in which steerage passengers are berthed, nor in any adjoining compartment except in a ship built of iron and of which the compartments are divided off by water-tight bulkheads extending to the upper deck

(2) Clear space on the spar or weather deck shall be left for the use and exercise of the steerage passengers at the rate of at least ten superficial feet for each statute adult.

(3) No greater number of steerage passengers shall be carried than in the proportion of fifteen to every one hundred tons of the ship's registered tonnage

(4) In emigrant ships of less than five hundred tons registered tonnage not more than two head of large cattle shall be carried nor in emigrant ships of larger tonnage more than one additional head of large cattle for every additional two hundred tons of the ship's registered tonnage nor more in all in any emigrant ship than ten head of large cattle. The expression large cattle includes both sexes of horned cattle deer horses and asses and four sheep of either sex, or four female goats shall be equivalent to and may subject to the same conditions be carried in lieu of one head of large cattle

(5) Proper arrangements shall be made to the satisfaction of the emigration officer at the port of clearance for the housing maintenance and cleanliness of the animals, and for the stowage of their fodder

(6) Not more than six dogs and no pigs or male goats shall be conveyed as cargo in any emigrant ship

#### FOURTEENTH SCHEDULE

*[This schedule will be repealed as from the date on which forms are prescribed by the Board of Trade in substitution thereof See 6 Edw 7 c 48 s 17 85 Sch II]*

#### 300. FORMS UNDER PART III (PASSENGER AND EMIGRANT SHIPS)

##### FORM I

##### *Form of Master's Bond*

Know all men by these presents that we  
 are held and firmly bound unto our Sovereign \_\_\_\_\_ by the  
 Grace of God of the United Kingdom of Great Britain and Ire-  
 land defender of the faith in the sum of *two thousand*  
 pounds of good and lawful money of Great Britain to be paid to  
 our said Sovereign Her [His] heirs and successors to which pay-  
 ment well and truly to be made we bind ourselves and every of  
 us jointly and severally and our heirs executors and adminis-  
 trators and every of them firmly by these presents Sealed  
 with our seals Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 eight hundred and \_\_\_\_\_

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Whereas by Part III of the Merchant Shipping Act, 1894, it is amongst the ship other things enacted, that, before any emigrant ship clears outwards or pro- reside in the ceeds to sea, the master, together with the owner or charterer, or in the event British Islands of the owner or charterer being absent, or being the master, one other good and sufficient person, approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond to the Crown, in the sums of two thousand pounds.

Now the condition of this obligation is such, that if the ship whereof the above bounden is master, bound to is in all respects seaworthy, <sup>a</sup> [and if the said ship shall call at the port of and there shall <sup>a</sup> The clause be shipped on board at such port pure water for the use of the steerage within passengers, sufficient in quantity to afford an allowance of three quarts daily brackets is to be inserted to each statute adult for the period of days on the voyage from such port only when the ship is to to the final port or place of discharge of such ship.] and if (notwithstanding call at an any fine by the said Act imposed, and whether the same may have been sued intermediate port to take for and recovered or not) all and every the requirements of the said Merchant in water as provided in Shipping Act, 1894 (except such of them as relates exclusively to passage Part III of the Merchant brokers and emigrant runners), and of the Board of Trade acting under the Shipping Act, 1894 said Act, and of any Order of Her Majesty in Council relating to "emigrant ships" and now in force, shall in all respects be well and truly performed, <sup>b</sup> This clause <sup>b</sup> [and if the master for the time being of the said ship shall submit himself, in to be inserted only in the like manner as a British subject being the master of a British emigrant ship, to case of a the jurisdiction of the tribunals in Majesty's foreign emigrant possessions abroad, empowered by the said Act to adjudicate on offences ship pro- committed against the said Act,] and if moreover all fines and forfeitures ceeding to any British which the master of such ship may be adjudged to pay for or in respect of possession the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by a Secretary of State or governor of a British possession or British consular officer under the said Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue

Signed, sealed, and delivered by the above bounden  
in the presence of<sup>c</sup>

and

<sup>c</sup> Insert names and addresses in full of the witnesses

<sup>d</sup> [I hereby certify, that the above bond was duly signed, sealed, and delivered according to the law of the United Kingdom by the said master of the said ship and by the said (*other obligor*) ]

<sup>d</sup> Certificate to be signed by the Chief Officer of Customs and forwarded with the bond to the colony, according to s. 319 of the Act.

(Signature) \_\_\_\_\_ { Chief Officer of Customs for the port of

(Date) \_\_\_\_\_ 18





*Names and Descriptions of Passengers*

Ports of Embarkation		Number of Contract Ticket		Names of Passengers		Profession, Occupation, or Calling of Passenger		
ENGLISH.		SCOTCH		IRISH.		FOREIGNERS		
AGE OF EACH ADULT OF 12 YEARS AND UPWARDS	Married	Single	Ages of Children between 1 and 12 years	Infants.	Males		Females	
					Males		Females	
					Males		Females	
					Females		Males	
AGE OF EACH ADULT OF 12 YEARS AND UPWARDS	Married	Single	Ages of children between 1 and 12 years.	Infants	Males		Females	
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AGE OF EACH ADULT OF 12 YEARS AND UPWARDS	Married	Single	Ages of children between 1 and 13 years.	Infants	Males		Females	
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*Summary of Steerage and Cabin Passengers*

Nationalities	NUMBER OF SOULS							
	ADULTS OF 15 YEARS OF AGE AND UPWARDS.				Children between 1 and 14 years.		Infants.	
	Married.		Single.					
	M	F	M.	F	M	F	M	F
English								
Scotch								
Irish								
Foreigners								
TOTAL								

No

Total Number of Adults  
Children between 1 and 14, equal to Statute Adults

Total Number of Statute Adults

We hereby certify that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of \_\_\_\_\_

(Signed) \_\_\_\_\_ Master

\_\_\_\_\_ Emigration Officer

(Countersigned) \_\_\_\_\_ Officer of Customs at \_\_\_\_\_

Date \_\_\_\_\_ 18

*N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clears out and similar certificates be subjoined to such additions according to the requirements of the Act*

FORM III

*Form of Governor's or Consular Officer's Certificate of Expenditure in the case of Passengers Wrecked or Forwarded.*

I hereby certify that acting under and in conformity with the provisions of the Merchant Shipping Act, 1894 I have defrayed the expenses incurred in rescuing maintaining supplying with necessary bedding provisions and

stores<sup>a</sup> and in forwarding to their destination steerage passengers<sup>a</sup> If more  
<sup>b</sup>[and cabin passengers], who were proceeding from passengers  
to in the ship , which was were rescued  
wrecked at sea, etc <sup>c</sup> than forward-  
ed, or if  
bedding, etc

And I further certify, for the purposes of Part III of the said Act, that the total amount of such expenses is \_\_\_\_\_ pounds, and that such expenses were duly incurred by me under the said Act

Given under my hand, this                      day of                      18

{ *Governor of, etc , (or as*  
   *the case may be) British Consular Officer at*  
   *But if the*  
   *passengers*  
   *were only*  
   *left behind,*  
   *without any*  
   *default of*  
   *their own,*  
   *state the*  
   *fact*  
   *accordingly.*

## FORM IV

### Form of Passage Broker's Bond

Section 350

KNOW all men by these presents, that we, *A B<sup>d</sup>* of *C D* of  
*etc* and *E F* of *etc* are held firmly bound <sup>dInsert</sup>  
unto our Sovereign by the Grace of God of the United names and  
Kingdom of Great Britain and Ireland defender of the faith, in surnames  
the sum of one thousand pounds of good and lawful money of Great Britain, to in full, with  
be paid to our said Sovereign, Her [His] heirs and successors, to which occupation  
payment well and truly to be made we bind ourselves and every of us, jointly and address  
and severally, and our heirs, executors, and administrators, and every of of each of  
them, firmly by these presents. Sealed with our seals Dated this the parties.  
day of one thousand eight hundred and

Whereas by Part III of the Merchant Shipping Act, 1894, it is amongst other things enacted, that a person shall not, save as therein excepted, directly or indirectly act as a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, unless such person has entered, with two good and sufficient sureties, to be approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds. And whereas the said *C D* and *E F* have been duly approved by the proper emigration officer as sureties for the said *A B*.

Now the condition of this obligation is such that if the above-bounden *A B* and every agent whom he may employ in his business of a passage broker shall well and truly observe and comply with all the requirements of the said Act so far as the same relate to passage brokers, and further shall well and truly pay all fines and forfeitures, and also all sums of money by way of substance money or of return of passage money or compensation to any steerage passenger or on his account, together with all costs which the above bounden *A B* or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of the said Act, then and in such case this obligation to be void otherwise to remain in full force

Signed sealed, and delivered by the above-bounden *A B C D* and *E F* in the presence of \*

Insert the names and addresses in full of the witnesses.

*N B*—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant or an officer of customs or a magistrate or a notary public One part is to be deposited with the Board of Trade and the other part with the emigration officer at the port nearest to the place of business of the broker

Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

The bond is exempt from stamp duty but must be renewed annually with the licence

## FORM V

### *Form of Passage Broker's Licence*

The names and surnames in full, with the address and trade or occupation of the party applying for the licence must be correctly inserted. If a member of a firm the

*A B* of \_\_\_\_\_ in the \_\_\_\_\_ having shown to the satisfaction of the council of \_\_\_\_\_ [or (me) or (us) the undersigned], that he hath given bond to the Crown as required by the Merchant Shipping Act 1894 and also given fourteen days previous notice to the Board of Trade of his intention to apply for a licence to carry on the business of a passage broker in respect of steerage passages from the British Islands to any port out of Europe and not within the Mediterranean Sea the said council [or I (or we) the undersigned] having had no sufficient cause shown and seeing no valid reason why the said *A B* should not receive such licence do hereby license and authorise the said *A B* to carry on the business of a

passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A B* as provided in the Merchant Shipping Act, 1894

names and surnames of all the members must be given

Given under the common seal of the said council [or my hand and seal  
(or our respective hands and seals) ], this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
at \_\_\_\_\_

(L S ) [Signature authenticating seal ]

[or Signature] \_\_\_\_\_ (L.S ) { Sheriff, or sheriff substitute or  
justices of the peace as the  
case may be

NOTE —Each member of a firm or partnership who acts as a passage broker must have a separate licence

# FORM VI.

*Form of Notice to be given to the Board of Trade by Licensing Authority granting a Licence*

Gentlemen,

This is to give you notice, that the council of \_\_\_\_\_ [or we  
(or I), the undersigned], did on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ license  
*A B* of \_\_\_\_\_ to carry on the business of a passage  
broker under the provisions of the Merchant Shipping Act, 1894

\*Insert the names and surnames in full, with the address and occupation of the party

Signatures \_\_\_\_\_ { Clerk of the said Council or  
sheriff or justices of the  
peace, or as the case may be

Place \_\_\_\_\_

Date \_\_\_\_\_

To the Board of Trade, London.

## FORM VII.

*Form of Notice to be given to the Board of Trade by an Applicant for a Passage Broker's Licence.*

Gentlemen,

I A.B.\* of \_\_\_\_\_ in \_\_\_\_\_ do hereby give you notice that it is my intention to apply after the expiration of fourteen clear days from the date of putting this notice into the post to the council for the city or borough or district of \_\_\_\_\_ or if in Scotland to the sheriff or sheriff substitute of \_\_\_\_\_ or if in Ireland to the justices assembled in petty sessions to be held<sup>b</sup> as the case may be, for a licence to carry on the business of a passage broker under the Merchant Shipping Act, 1894

\*The names and surnames in full, with the address and trade or occupation of the party applying for a licence, must be here correctly inserted.  
 \*The place or district in which the party giving the notice has his place of business.

Signature \_\_\_\_\_  
 Date \_\_\_\_\_

To the Board of Trade, }  
 London.

## FORM VIII

*Form of Notice of forfeiture of a Passage Broker's Licence to be given by the Court by which it is forfeited to the Board of Trade*

Gentlemen

This is to give you notice that the licence granted on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ to A.B.\* of \_\_\_\_\_ in \_\_\_\_\_ to act as a passage broker was on the \_\_\_\_\_ day of \_\_\_\_\_ now last past duly declared by me (or us) the undersigned to be forfeited<sup>c</sup>

Here state generally the reason of forfeiture

Signatures \_\_\_\_\_

Place and date \_\_\_\_\_ 18 \_\_\_\_\_

To the Board of Trade }  
 London.

FORM IX.

*Form of Appointment of Passage Broker's Agent.*

I, *A B* of, *etc*, (or as the case may be) one of the partners and on behalf of the firm of, *etc*, (name all the partners and the style of the firm) carrying on the business of \_\_\_\_\_ at \_\_\_\_\_, do hereby nominate and appoint you *C D* of, *etc*, to act as my agent and on my behalf in the sale or letting of steerage passages and otherwise in the business of a passage broker, according to the Merchant Shipping Act, 1894

Insert in the proper places the names and surnames in full, with the correct addresses and designations of the constituent and agent respectively

Signature in full \_\_\_\_\_

Place and date \_\_\_\_\_

Countersignature \_\_\_\_\_ { Emigration officer at the port of \_\_\_\_\_

FORM X.

*Form of Emigrant Runner's Annual Licence*

*A B*<sup>a</sup> of \_\_\_\_\_ in the \_\_\_\_\_ having made application in writing to the council of \_\_\_\_\_ [or me, the sheriff, or us, the undersigned justices of the peace assembled in petty sessions, for the \_\_\_\_\_ of \_\_\_\_\_] to grant to him a licence to enable him to be registered as an emigrant runner in and for<sup>b</sup> \_\_\_\_\_, and the said [*A B*] having also been recommended as a proper person to receive such licence by an emigration officer, or by the chief constable [or other head officer of police, as the case may be] of \_\_\_\_\_ [the district, town, or place in which the said *A B* is to carry on his business] the said council [or I, the sheriff, or we, the undermentioned justices] having no sufficient cause shown and seeing no valid reason why the said *A B* should not receive such licence, do hereby grant to him this licence for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A B* as provided in the Merchant Shipping Act, 1894

<sup>a</sup>The names and surnames in full, with the address of the party applying for the licence, must be here correctly inserted  
<sup>b</sup>District, town, or place in which the emigrant runner is to carry on his business

(Signatures, and authenticating seal)



bags supported on suitable platforms laid upon the grain in bulk. Provided that this regulation with respect to bags shall not apply—

- (a) To oats or cotton seed nor
- (b) To a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade nor
- (c) To a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulk heads or such shifting boards as herein after mentioned and if the ship does not carry more than one-fourth of the grain cargo and not more than one thousand five hundred quarters in any one compartment, bin or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between-decks nor
- (d) To a ship in which the grain cargo does not exceed one-half of the whole cargo of the ship and the rest of the cargo consists of cotton wool, flax, barrels or sacks of flour or other suitable cargo so stowed as to prevent the grain in any compartment bin, or division from shifting

(3) Where grain is carried in the hold or between the decks whether in bags or bulk the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured and if the grain is in bulk are fitted grain tight with proper fillings between the beams

- (4) In loading the grain shall be properly stowed, trimmed and secured

## NINETEENTH SCHEDULE

### PART I

#### *Statements in the Case of Salvage by Her Majesty's Ships*

Section 568.

- (1) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo or property saved—

- (a) the place condition and circumstances in which the vessel cargo or property was at the time when the services were rendered for which salvage is claimed
- (b) the nature and duration of the services rendered

- (2) Additional particulars to be stated by the salvor—

- (a) the proportion of the value of the vessels, cargo and property and of the freight which he claims for salvage or the values at which he estimates the vessel freight cargo and property respectively and the several amounts that he claims for salvage in respect of the same
- (b) any other circumstances which he thinks relevant to the said claim

(3) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property —

- (a) a copy of the certificate of registry of the said vessel, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers
- (b) the name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is.
- (c) a general account of the quantity and nature of the cargo at the time the salvage services were rendered
- (d) the name and place of business or residence of the owner of the cargo and of the consignee thereof
- (e) the values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or, if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest.
- (f) the amounts which the master thinks should be paid as salvage for the services rendered:
- (g) an accurate list of the property saved in cases where the vessel is not saved
- (h) an account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made
- (i) the number, capacities, and condition of the crew of the vessel at the time when the services were rendered, and
- (k) any other circumstances he thinks relevant to the matters in question.

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## \* PART II.

### *Salvage Bond*

[N. B.—*Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, etc., may be omitted*]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the name of the freighter*] and to the cargo therein, consisting of [*state very shortly the descrip-*

tions and quantities of the goods, and the names and addresses of their owners and consignees]

And whereas the said vessel and cargo have been brought into the port of [insert name and situation of port], and a statement of the salvage claim has been sent to [insert the name of the consular officer or judge of the colonial court of admiralty or vice-admiralty court and of the office he fills], and he has fixed the amount to be inserted in this bond at the sum of [state the sum].

Now I the said [master's name] do hereby in pursuance of the Merchant Shipping Act 1894 bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs executors and administrators to pay among them such sum not exceeding the said sum of [state the sum fixed] in such proportions and to such persons as [if the parties agree on any other court substitute the name of it here] the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid

In witness whereof I have hereunto set my hand and seal, this [insert the date] day of

Signed sealed, and delivered by the said [master's name]

(L S)

In the presence of [name of consular officer or judge of the colonial court of admiralty or vice-admiralty court and of the office he fills]

## TWENTIETH SCHEDULE

Section 567

### MAXIMUM FEES AND REMUNERATION OF RECEIVERS.

	£	s	d
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress a fee not exceeding		1	0 0
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence whatever may be the number of the deponents			
For every report required to be sent by the receiver to the secretary of Lords in London the sum of	0	10	0
For wreck taken by the receiver into his custody a percentage of five per cent upon the value thereof			
But so that in no case shall the whole amount of percentage so payable exceed twenty pounds			
In cases where any services are rendered by a receiver in respect of any vessel in distress not being wreck or in respect of the cargo or other articles belonging thereto the following fees instead of a percentage that is to say			

£ s. d.

If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day, during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum

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TWENTY-FIRST SCHEDULE

*(Omitted as being inapplicable to India)*

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*Twenty-Second Schedule—[Repeal-Rep. (U. K ) 8 Edw , c 49 (S L R ) ]*

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THE DOCUMENTARY EVIDENCE ACT, 1895

(58 Vict., c 9.)

*An Act to apply the Documentary Evidence Acts to the Board of Agriculture.*

[ 14th May, 1895. ]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows

1. The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Board of Agriculture in like manner as if that Board were mentioned in the first column of the schedule to the first-mentioned Act, and the President or any member of the Board, or the Secretary of the Board, or any person authorised by the President to act on behalf of the Secretary of the Board, were mentioned in the second column of that schedule and as if the regulations referred to in those Acts included any document issued by the Board

Application  
of Docu-  
mentary  
Evidence  
Acts to  
Board of  
Agriculture,  
31 & 32  
Vict., c 37.  
45 & 46,  
Vict., c 9.

2 This Act may be cited as the Documentary Evidence Act, 1895, and Short title the Documentary Evidence Act, 1868, and the Documentary Evidence Act 1882, and this Act may be cited collectively as the Documentary Evidence Acts, 1868 to 1895

## THE EXTRADITION ACT, 1895

(58 &amp; 59 Vict., c 33)

*An Act to amend the Extradition Acts 1870 and 1873 so far as respects the Magistrate by whom and the place in which the case may be heard and the Criminal held in Custody*

[ 6th July 1895 ]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in the present Parliament assembled and by the authority of the same, as follows

Hearing  
case else-  
where than at  
Bow Street.

1 (1) Where a fugitive criminal has been apprehended in pursuance of a warrant under section eight of the Extradition Act 1870 and a Secretary of State on representation made by or on behalf of the criminal is of opinion that his removal for the purpose of his case being heard at Bow Street will be dangerous to his life or prejudicial to his health the Secretary of State if it appears to him consistent with the Order in Council under the Extradition Act, 1870 applicable to the case may in his discretion by order stating the reasons for such opinion direct the case to be heard before such magistrate as is named in the order and at the place in the United Kingdom at which the criminal was apprehended or for the time being is. 33 & 34  
Vict c

(2) The magistrate may be if the place is in England a metropolitan police magistrate or a stipendiary magistrate and if it is in Scotland a sheriff or sheriff substitute and if it is in Ireland any stipendiary magistrate and the magistrate hearing the case in pursuance of the order shall for that purpose be deemed to be a police magistrate within the meaning of the Extradition Act 1870 and also shall have the same jurisdiction duties and powers as near as may be and may commit to the same prison as if he were a magistrate for the county borough or place in which the hearing takes place

(3) Provided that when the fugitive criminal is committed to prison to await his surrender the committing magistrate if of opinion that it will be dangerous to the life or prejudicial to the health of the prisoner to remove him to the prison may order him to be held in custody at the place in which he for the time being is or any other place named in the order to which the magistrate thinks he can be removed without danger to his life or prejudice to his health and while so held he shall be deemed to be in legal custody and the Extradition Act 1870 and 1873 shall apply to him as if he were in the prison to which he is committed and the forms of warrant used under the said Act may be varied accordingly. 23 & 34  
Vict c  
33 & 34  
Vict c

Short title  
and construction  
thereof.

2 This Act may be cited as the Extradition Act 1895 shall be construed together with the Extradition Acts 1870 and 1873 and those Acts and this Act may be cited collectively as the Extradition Acts 1870 to 1895

THE NATURALIZATION ACT, 1895.

(58 & 59 Vict., c. 43.)

*An Act to amend the Naturalization Act, 1870, so far as respects Children of Naturalized British Subjects in the service of the Crown resident out of the United Kingdom*

[6th July, 1895]

\* \* \* \* \*

1 (1) The residence of a child of a naturalized British subject with his father while in the service of the Crown out of the United Kingdom, shall have, and be deemed always to have had, the same effect, for the purpose of sub-section five of section ten of the Naturalization Act, 1870, as residence with such father in the United Kingdom

Amendment of 33 & 34 Vict., c. 14, s. 10, as respects children of naturalized

(2) Sub-section five of section ten of the Naturalization Act, 1870, shall have effect as if the words "or with such father while in the service of the Crown out of the United Kingdom" had been inserted therein after the words "part of the United Kingdom," and every copy of the Naturalization Act, 1870, hereafter printed may be printed accordingly

British subjects resident abroad

2 This Act may be cited as the Naturalization Act, 1895

Short title

THE JUDICIAL COMMITTEE AMENDMENT ACT, 1895

(58 & 59 Vict., c. 44.)

*An Act to amend the Law relating to the Judicial Committee of Her Majesty's Privy Council*

[6th July, 1895]

\* \* \* \* \*

1 (1) If any person being or having been Chief Justice or a Judge of the Supreme Court of the Dominion of Canada, or of a Superior Court in any province of Canada, of any of the Australasian colonies mentioned in the schedule to this Act, or of either of the South African colonies mentioned in the said schedule, or of any other Superior Court in Her Majesty's Dominions named in that behalf by Her Majesty in Council, is a member of Her Majesty's Privy Council, he shall be a member of the Judicial Committee of the Privy Council

Provision as to persons being or having been Colonial Chief Justices or Judges.

(2) The number of persons being members of the Judicial Committee by reason of this Act shall not exceed five at any one time

(3) The provisions of this Act shall be in addition to, and shall not affect, any other enactment for the appointment of or relating to members of the Judicial Committee

2 This Act may be cited as the Judicial Committee Amendment Act, 1895.

Short title

<sup>1</sup> See 8 Edw. 7, c. 51, s. 3, *infra*

## SCHEDULE

*Australasian Colonies*

New South Wales.

New Zealand.

Queensland.

South Australia

Tasmania

Victoria

Western Australia

*South African Colonies*

Cape of Good Hope

Natal

## THE DERELICT VESSELS (REPORT) ACT 1896

(59 &amp; 60 Vict., c. 12.)

*An Act for the better reporting of Floating Derelicts*

[2nd July 1896]

\* \* \* \* \*

Short title.

1 This Act may be cited as the Derelict Vessels (Report) Act, 1896

Notice of  
derelict  
vessels to be  
given by  
masters to  
Lloyd's  
agents

2 Every master or other person for the time being in command of any British ship \* \* \* who shall become aware of the existence on the high seas of any floating derelict vessel shall notify the same to the Lloyd's agent at his next place of call or arrival and shall together with such notification furnish to the Lloyd's agent all such information as he may possess as to the supposed locality or identity of such derelict vessel and the date when and place where the same may have been observed by or reported to him and the Lloyd's agent shall forthwith on receipt of such notification and information transmit the same to the secretary of Lloyd's in London

And if any such master fails to make such a report he shall be liable on summary conviction to a penalty not exceeding five pounds.

Letters to be  
sent to  
Lloyd's to  
be published  
by Lloyd's

3 If there shall be no Lloyd's agent at the next place of call or arrival then and in such case the notification shall be made and the information furnished by such master or other person as aforesaid to the secretary of Lloyd's, London

Information  
to be pub-  
lished by  
Lloyd's.

4 Any information received by the society of Lloyd's as aforesaid in pursuance of this Act shall be published by the society forthwith in the same manner and to the same extent as its reports of shipping casualties and

<sup>1</sup> The words "after the passing of this Act" were repealed (L.R.) by 51 & 52 Geo. 5 (L.R.).

59 & 60 Vict., c. 14.] *The Short Titles Act, 1896.*

59 & 60 Vict., c. 28.] *The Finance Act, 1896.*

the society shall also forthwith communicate such information to the Board of Trade

## THE SHORT TITLES ACT, 1896

(59 & 60 Vict., c 14.)

*An Act to facilitate the Citation of Sundry Acts of Parliament*

[20th July, 1896 ]

\* \* \* \* \*

1 Each of the Acts mentioned in the First Schedule<sup>1</sup> to this Act may without prejudice to any other mode of citation, be cited by the short title therein mentioned in this behalf. Citation of Acts in first Schedule

2 (1) Each of the groups of Acts mentioned in the Second Schedule<sup>2</sup> to this Act may, without prejudice to any other mode of citation, be cited by the collective title therein mentioned in that behalf Collective titles

(2) If it is provided that any Act passed after this Act may, as to the whole or any part thereof, be cited with any of the groups of Acts mentioned in the Second Schedule to this Act, or with any groups of Acts to which a collective title has been given by any Act passed before this Act, that group shall be construed as including that Act or part, and, if a collective title of the group states the first and last years of the group, the year in which that Act is passed shall be substituted for the last year of the group, and so on as often as a subsequent Act or part is added to the group

3 Notwithstanding the repeal of an enactment giving a short title to an Act, the Act may, without prejudice to any other mode of citation, continue to be cited by that short title Effect of repeal of enactments giving short titles

4 [Repeal Rep (U K ) 8 Edw 7, c 49 (S L. R ) ]

5 This Act may be cited as the Short Titles Act, 1896

Short title

(Schedules omitted—see footnotes to sections 1 and 2 above )

## THE FINANCE ACT, 1896.

(59 & 60 Vict., c 28.)

\* \* \* \* \*

### PART VII

#### Miscellaneous

37.<sup>3</sup>

\* \* \* \* \*

(1) The annuity charged on the Consolidated Fund by section four of the Indian Army Pension Deficiency Act, 1885, shall as from the first day of Increase of annuity and reduction of rate of

<sup>1</sup> As the short titles conferred by this Act on the Statutes printed in this collection have been given *in loco*, this schedule has not been reproduced

<sup>2</sup> It has been thought needless to reproduce this schedule, the necessary notes having been added to the Statutes concerned

<sup>3</sup> Preamble to the section was repealed (U K ) by 8 Edw 7, c 49 (S L. R )



interest for  
the Indian  
Army Pension  
Deficiency  
Fund

April one thousand eight hundred and ninety-six, be two hundred and fifteen thousand pounds, and the said Act shall have effect as if two hundred and fifteen thousand pounds, beginning on the first day of April one thousand eight hundred and ninety-six' were substituted in the said section for one hundred and fifty thousand pounds, beginning on the first day of April one thousand eight hundred and eighty-five'

(2) The rate of interest for and money lent after the first day of April one thousand eight hundred and ninety-six under section five of the said Act shall be such as the National Debt Commissioners with the approval of the Treasury may determine.

\* \* \* \* \*

REGULAR AND ELDERS WIDOWS FUNDS ACT 1897

(60 Vict., c. 11)

*An Act to make provision for the transfer of the Assets Liabilities and Management of the Regular Widows Fund and of the Elders Widows Fund to the Secretary of State in Council of India and for other purposes in relation thereto*

[3rd June, 1897]

[Preamble. Rep (U K) 8 Edw 7 c. 49 (S L R) ]

The Secretary  
of State in  
Council of  
India to be  
entitled to  
and to  
assume the  
assets, liab-  
ilities and  
management  
of the  
Regular  
and the  
Elders  
Widows  
Funds.  
Stocks  
standing in  
the names of  
the Trustees  
of such funds  
and moneys  
in their  
possession  
to be trans-  
ferred to  
acc unt of  
Secretary of  
State at  
Bank of  
England.

1 \* \* \* \* \* the Secretary of State in Council of India shall be entitled to and shall take and assume the assets liabilities, and management of the Regular Widows Fund and of the Elders' Widows Fund.

2 All stocks standing in the names of the Trustees or of any of the Trustees of the Regular Widows Fund and representing the invested capital of such fund including a sum of one hundred and twelve thousand and seventy five pounds one shilling and six pence two and three-quarters per cent consolida-  
dated stock representing the said sum of one hundred thousand pounds East India bonds shall be transferred to such accounts as may be necessary to be raised in the books of the Bank of England in respect of such stocks, and all such accounts respectively shall be intitled The stock account of the Secretary of State in Council of India in respect of the Regular Widows Fund and all moneys if any in the possession or under the control of such Trustees or any of them belonging to such fund shall be paid into the Bank of England

<sup>1</sup> The words "From and after the passing of this Act" were repealed (U K) by s 11 of c 49 (L R)

to the credit of "The account of the Secretary of State in Council of India," and all stocks standing in the names of the Trustees or of any of the Trustees of the Elders' Widows' Fund and representing the invested capital of such fund shall be transferred to such accounts as may be necessary to be raised in the books of the Bank of England in respect of such stocks, and all such accounts respectively shall be intituled "The stock account of the Secretary of State in Council of India in respect of the Elders' Widows' Fund," and all moneys (if any) in the possession or under the control of such last-mentioned Trustees or any of them belonging to such fund shall be paid into the Bank of England to the credit of "The account of the Secretary of State in Council of India"

3 <sup>1</sup>[As soon as the invested capital of and all moneys belonging to the Regular Widows' Fund and the Elders' Widows' Fund respectively shall have been transferred to the Secretary of State in Council of India, the duties and liabilities of the Trustees of the said funds respectively in respect of the said funds shall cease, and] all existing and future liabilities of the said funds may be enforced against the Secretary of State in Council of India in like manner as they might have been enforced against the Trustees of the said funds if this Act had not been passed, and every person who shall be a subscriber to or a beneficiary under either of the said funds at or after the passing of this Act shall be entitled to the benefits to which they would have been entitled under the rules of the said funds now in force if this Act had not been passed.

On such transfer being made duties and liabilities of Trustees to cease, but rights of subscribers to and beneficiaries under the funds to continue

4 <sup>2</sup> \* \* \* there shall vest in the Secretary of State in Council of India all rights, powers, and authorities, discretionary or otherwise, which were prior to the passing of this Act vested in the Trustees of the Regular Widows' Fund and the Elders' Widows' Fund respectively, and subject to the provisions of this Act the Secretary of State in Council of India shall, as far as may be practicable, conform to and adopt the practice heretofore followed in the management of the said funds

Powers of Trustees of funds vested in Secretary of State

5 <sup>1</sup>[The annual contributions of four thousand pounds and six hundred pounds in aid of the Regular Widows' Fund payable by the Secretary of State for India in Council shall cease to be payable as from the thirty-first day of March one thousand eight hundred and ninety-seven, and as from that date] the said sum of one hundred and twelve thousand and seventy-five pounds one shilling and six pence two and three-quarters per cent, consolidated stock, representing the said sum of one hundred thousand pounds East India bonds, shall form part of the invested capital of the Regular Widows' Fund, and the dividends from time to time payable thereon shall thenceforth form part of the income of the said fund

Annual contributions of Secretary of State to Regular Widows' Fund to cease and certain stock to form part of the invested capital of that fund

6 The Secretary of State in Council of India shall from time to time, until the liabilities of the Regular Widows' Fund and the Elders' Widows' Fund shall be paid, be empowered to

Secretary of State empowered to

<sup>1</sup> These words were repealed (U K) by 8 Edw 7, c 49 (S L R)

<sup>2</sup> The words "From and after the passing of this Act" were repealed (U K) by 8 Edw 7, c 49 (S L R)

also by sale of invested capital of the funds sufficient to meet liabilities thereof.

Fund respectively are satisfied, or the invested capital thereof respectively is exhausted, raise by sale of sufficient portions of such invested capital such an amount as may be from time to time required in addition to the income of the said funds respectively (including in the income of the Elders Widows Fund the annual contribution of five hundred pounds payable by the Secretary of State in Council of India in aid of such fund) to meet the current liabilities thereof respectively

Subject thereto the invested capital to be retained in existing investments or to be invested in the public funds of Great Britain until all liabilities are satisfied.

7 Subject to the provisions of this Act the Secretary of State in Council of India shall, so long as any liabilities of the Regular Widows' Fund and the Elders Widows Fund respectively remain unsatisfied, retain the invested capital for the time being of the said funds respectively in the investments in which such capital is now invested provided that the Secretary of State in Council of India may at any time and from time to time sell out all or any part of the said investments or other the investments in which the invested capital of the said funds respectively shall for the time being be invested, and invest the moneys arising thereby in any of the public funds of Great Britain but not otherwise.

Annual surplus income and ultimate surplus of funds to form part of the revenues of India and be dealt with accordingly

8 Any surplus income of the Regular Widows Fund or of the Elders Widows Fund (including in the income of the Elders Widows Fund the said annual contribution of five hundred pounds) which may remain on the thirty first day of March in any year, after satisfying all the current liabilities of the said funds respectively for the twelve preceding months ending on that day shall as from that day form part of the revenues of India and may be dealt with accordingly and any ultimate surplus which may remain of the said funds or either of them after satisfying all the liabilities thereof respectively shall form part of the revenues of India and may be dealt with accordingly

In case capital should be exhausted Secretary of State to meet liabilities of the funds out of the revenues of India.

9 In case the invested capital of the Regular Widows Fund and the Elders Widows Fund or of either of such funds shall be exhausted before all the liabilities thereof shall be satisfied, the Secretary of State in Council of India shall from time to time out of the revenues of India contribute to the said fund respectively or to the fund in respect of which there may be subsisting liabilities such sums or sum as may be required from time to time to meet the current liabilities thereof

Power of Secretary of State to grant letter of attorney for sale etc. of stock to his stock account at Bank of England.

10 The Secretary of State in Council of India by letter of attorney executed by two members of the Council and countersigned by the Secretary of State or one of his Under Secretaries or his assistant Under Secretary may authorise all or any of the cashiers of the Bank of England to sell and transfer all or any part of the stock or stocks for the time being standing in the books of the said bank to the accounts intitled The stock account of the Secretary of State in Council of India in respect of the Regular Widows Fund or to the accounts intitled The stock account of the Secretary of State in Council of India in respect of the Elders Widows Fund and to purchase and accept stock on the said accounts and to receive the dividends due and to become due on the several stocks standing or that may

thereafter stand on the said accounts, and by any writing signed by two members of the Council and countersigned as aforesaid may direct the application of the moneys to be received in respect of such sales and dividends, but no stock shall be purchased or sold and transferred by any of the said cashiers under the authority of such general letter of attorney except upon an order directed to the chief cashier and chief accountant of the Bank of England from time to time and duly signed and countersigned as aforesaid.

11 All notifications or applications on the part of the subscribers to or present or future beneficiaries under the Regular Widows' Fund or the Elders' Widows' Fund which are required or prescribed by the rules of the said funds respectively, as existing at the date of this Act, shall be given and made in such manner and to such person or persons as the Secretary of State in Council of India shall from time to time appoint

How notifications, etc., by subscribers to and beneficiaries under the funds are to be given

12 This Act may be cited as the Regular and Elders' Widows' Funds Short title Act, 1897.

## MERCHANT SHIPPING ACT, 1897

(60 & 61 Vict., c. 59.)

*A Act to amend the Merchant Shipping Act, 1894, with respect to the Power of Detention for undermanning*

[6th August, 1897]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1 (1) Section four hundred and fifty-nine of the Merchant Shipping Act, 1894 (which gives power to detain unsafe ships), shall apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the word "machinery," and as if the words "or for ascertaining the sufficiency of her crew" were inserted after the word "surveyed," and as if the words "or the manning of the ship" were inserted therein after the words "reloading of cargo," and the powers exerciseable under or for the purposes of that section shall include power to muster the crew

Extension of powers of detention for unsafety to under-manning

(2) Section four hundred and sixty-two of the Merchant Shipping Act, 1894 (which relates to foreign ships), shall also apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the words "improper loading."

2. This Act may be cited as the Merchant Shipping Act, 1897.

Short title

## THE RESERVE FORCES AND MILITIA ACT 1898

(61 &amp; 62 Vict, c. 9)

*An Act to amend the Law relating to the Reserve Forces and Militia*

[1st July 1898]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:

1 Any man belonging to the first class of the army reserve whose character on transfer to the army reserve is good, shall, if he so agrees in writing be liable during the first twelve months of the service in that reserve to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act 1882 and the calling out of men under this Act shall not involve the meeting of Parliament as required by section thirteen of that Act

Provided as follows —

- (a) The number of the men so liable not at any one time exceed five thousand
- (b) The power of calling out men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in progress
- (c) A man called out under this section shall not be liable to serve for more than twelve<sup>1</sup> months,
- (d) Any agreement under this section may be revoked by three months notice in writing and
- (e) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be.

Amendment  
of law as to  
voluntary  
service of  
militia  
out of  
United  
Kingdom

2 Section twelve of the Militia Act, 1882 shall have effect as if the words any place out of the United Kingdom were substituted therein for the words the islands of Guernsey Jersey Alderney and Sark the Isles of Man Malta, and Garrison of Gibraltar or any of them and shall be construed as authorising the employment of any member of the militia volunteering to serve for a period not exceeding one year whether an order embodying the militia is in force or not at the time

Provision as  
to members  
authorised  
by Army  
Act  
Short title

3 The number of men for the time being employed under this Act shall not be reckoned in the number of the forces authorised by the Army Act for the time being in force

4 This Act may be cited as the Reserve Forces and Militia Act 1898

## THE EAST INDIA LOAN ACT, 1898.

(61 &amp; 62 Vict., c. 13.)

*An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.*

[1st July, 1898]

\* \* \* \* \*

1 This Act may be cited as the East India Loan Act, 1898 Short title

2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires Definition.

3 It shall be lawful for the Secretary of State, at any time or times, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole ten millions of pounds sterling, such sum or sums to be raised by the creation and issue of bonds, debentures, bills, or capital stock bearing interest, or partly by one of such modes, and partly by another or others Power to Secretary of State to raise sum not exceeding 10,000,000l

4. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed ten millions of pounds sterling Limit of amount charged on revenues of India

5. Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the amount so to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid Power to raise money for payment of principal money

6. All bonds, debentures, and bills issued, under this Act, and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India Securities to be charged on revenues of India

7. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing thereof Saving

8 The provisions of the East India Loan Act 1893, as to the issue, signature, verification, terms, and conditions of bonds, debentures, and bills, and the payment of principal and interest on debentures, and the creation, registration, and transfer, of capital stock, and the composition for stamp duties, and as to criminal offences, and as to the application of the India Stock Certificate Act, 1863, shall apply in the case of bonds, debentures, and bills issued, and capital stock created, under this Act, as the case may be Provisions of 56 & 57 Vict., c 70, 1893, to apply

MERCHANT SHIPPING (LIABILITY OF SHIPOWNERS) ACT 1898

[61 & 62 Vict., c. 14]

*An Act to amend the Merchant Shipping Act, 1894 with respect to the Liability of Shipowners*

[25th July 1898]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows

Extension of  
limitation of  
liability in  
certain cases  
of loss of life  
injury or  
damage.

11 Sections five hundred and two to five hundred and nine inclusive of the Merchant Shipping Act 1894 shall extend and apply to the owners, builders or other parties interested in any ship built at any port or place in Her Majesty's dominions from and including the launching of such ship until the registration thereof under section two of the Merchant Shipping Act, 1894 \* \* \*

Partial repeal  
of 57 & 59  
Vict., c. 60  
& 508.

2 So much of section five hundred and eight of the Merchant Shipping Act 1894 as is inconsistent with the foregoing is hereby repealed

Measurement  
of tonnage  
or the  
purposes of  
this Act.  
Definition.

3 For the purposes of this Act the tonnage of a ship shall be ascertained as provided by section five hundred and three sub-section two (b) and (c) of the Merchant Shipping Act, 1891 with regard to foreign ships

4 For the purposes of this Act ship shall include every description of vessel used or intended to be used in navigation not propelled by oars and whether completed or in course of completion or construction

Short Title

5 This Act may be cited as the Merchant Shipping (Liability of Shipowners) Act 1898

STATUTE LAW REVISION ACT 1898

[61 & 62 Vict., c. 22]

*In Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary*

[24th July 1898]

Whereas it is expedient that certain enactments which may be repealed as spent or have ceased to be in force otherwise than by express specific repeal by Parliament or have by lapse of time or otherwise become unnecessary should be expressly and specifically repealed

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The enactments described in the first part of the schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned, and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statements of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.

Enactments  
in schedule  
repealed

Provided as follows

the repeal of any words or expressions of enactments described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future,

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act,

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to,

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto,

and this Act shall not affect the validity, invalidity, effects or consequence, of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand,—or any indemnity,—or the proof of any past act or thing,

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed ;



nor shall this Act revive or restore any jurisdiction, office duty draw back fee, payment, franchise liberty custom liability right title, privilege restriction exemption, usage practice, procedure form of punishment or other matter or thing, not now existing or in force

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom except where otherwise expressed in the said schedule.

Application of repealed enactments in local courts.

2 If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the country palatine of Lancaster or to any inferior court of civil jurisdiction such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly

3 [*Substituted repeals Rep (U K) 8 Edw 7 c 49 (S L R) Inapplicable to India*]

Short title.

4. This Act may be cited as the Statute Law Revision Act, 1893

## THE SCHEDULE

### FIRST PART

Reign and Chapter	Short Title.	Reign and Chapter	Short Title.
23 & 24 Vict., c. 100.	The European Forces (India) Act, 1860.  In part, namely —  From "the Act" where those words first occur to "India, and of."	40 & 43 Vict. c 60	The East India Loan Act, 1870.  In part, namely —  Section three from "under the hands" to "affordable."
37 & 38 Vict., c 71	The Colonial Clergy Act, 1874.  In part, namely —  Section seven the words "the Governor of."		Section six from "under the hands" to "affordable."  Section thirteen to "provisional."  Section sixteen.

<sup>1</sup> The whole Act was repealed (U K) by 8 Edw 7 c 49 (S L R); the second part is not repealed, being applicable to India.

Reign and Chapter	Short Title	Reign and Chapter	Short Title
* * *	* * *	* *	* * *
43, Vict, c 10	The East India Loan (East Indian Railway Debentures) Act, 1880 In part, namely,— Section three, from “under the hands” to “as aforesaid”	45 & 46 Vict, c 55	The Merchant Shipping (Expenses) Act, 1882  In part, namely,—  Preamble
43 Vict, c 11	The India Stock (Powers of Attorney) Act, 1880 In part, namely,— Section three, from “and also” to the end of the section	* * 45 & 46 Vict, c 79	* * * The India (Home Charges Arrears) Act, 1882
* *	* * *	* *	* * *
44 & 45 Vict, c 69	The Fugitive Offenders Act, 1881 In part, namely,— Section thirty-nine, the words “of Justice” where- over they occur	46 & 47 Vict, c 6	The Army (Annual) Act, 1883 In part, namely,—  Preamble  Sections two and three  Schedule
* \ *	* * *	* *	* * *
45 & 46 Vict, c 7	The Army (Annual) Act, 1882 In part, namely,— Preamble  Sections two and three and schedule	* * 46 & 47 Vict, c 30	* * * The Companies (Colonial Registers) Act, 1883  In part, namely,—  Preamble
* *	* * *	* *	* * *
45 & 46 Vict, c 45	An Act, the title of which begins with the words “An Act to make” and ends with the words “in Council” In part, namely,—  Preamble  Section one  Section two, to “Gov- ernment of India” and from “such ad- ditional” to “eighty two”  Section four, to “Act” where it first oc- curs  Section six	* * 46 & 47 Vict, c 58	* * * The Post Office (Money Orders) Act, 1883  In part, namely,—  Preamble  Section one, from “In lieu” to “that Act”  Section four, to “en- acted as follows”  Section five  Section eight  Second schedule.

Reign and Chapter.	Short Title.	Reign and Chapter.	Short Title.
* * *	* * *	* * *	* * *
47 & 48 Vict., c. 8	The Army (Annual) Act, 1884. In part, namely —  Sections two, three, and eight.  Schedule.	48 & 49 Vict. c. 23	The East India Loan Act, 1885. In part, namely —  Preamble.  Section three from "inserted" to "as aforesaid."  Section fourteen, to "provide and."
* * *	* * *		
47 & 48 Vict., c. 31	The Colonial Prisoners Removal Act, 1884. In part, namely —  Preamble.  Section eleven, the words "Commissioners of Her Majesty's."		
	Section eighteen, the definition of Secretary of State.	48 & 49 Vict., c. 49	The Submarine Telegraph Act, 1885. In part, namely —  Section thirteen from "shall come into force" to "Gazette and."
	* * *		
	* * *	49 & 50 Vict., c. 8	The Army (Annual) Act, 1886. In part, namely —  Preamble.  Sections two and three.  Schedule.
47 & 48 Vict., c. 38	The Indian Marine Service Act, 1884. In part, namely —  Preamble.		
	*		
48 & 49 Vict., c. 8	The Army (Annual) Act, 1885. In part, namely —  Sections two, three and schedule.	49 & 50 Vict. c. 33	The International Copyright Act, 1886. In part, namely —  Preamble.  Section one sub-section ("), from "are in this" to "those Acts" where those words next occur and from "may be cited" to "those Acts."
	* * *		
49 & 50 Vict., c. 2	The East India Unclaimed Stock Act, 1885. In part, namely —  Section two, so far as it defines High Court and Banks of England and Ireland.  Section twenty two, to "enacted as follows."		Section twelve to "as follows" and sub-section (1).  The Third Schedule

Reign and Chapter	Short Title	Reign and Chapter	Short Title.
* * *	* * *		
49 & 50 Vict, c 48	The Medical Act, 1886  In part, namely,—  Section six, to “day”  Section seven to “Act” where it first occurs, and sub-section two, to “Act, but”  Section eight, sub-section eight  Section eleven, to “day” where it first occurs, and the word “said” wherever it occurs before “prescribed.”		Section twelve, to “day” where it first occurs, and the word “said” wherever it occurs before “prescribed.” Section sixteen, to “day”  Section twenty-six, from “There shall be repealed” to “branch council, and”  Section twenty-eight and the schedule
		* * *	* * *
		50 Vict, c 3	The Submarine Telegraph Act 1886

## MERCHANT SHIPPING (MERCANTILE MARINE FUND) ACT, 1898

(61 &amp; 62 Vict, c. 44.)

*An Act to amend the Law with regard to the provision for the Payment of certain Expenses under the Merchant Shipping Act, 1894, and with regard to the levying of Light Dues*

[12th August, 1898.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1. (1)<sup>1</sup> \* \* \* \* \*

(a) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses

Abolition of  
Mercantile  
Marine Fund  
and constitu-  
tion of  
General  
Lighthouse  
Fund

<sup>1</sup> The words “As from the commencement of this Act” were repealed (U K) by S. Edw. 7, c. 49 (S L R)

incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament

(c) The said excepted sums shall be accounted for and paid to and the said excepted expenses shall be charged on and payable out of a fund which shall be called the General Lighthouse Fund, and references in Part XI and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act 1894 to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund

(2) The General Lighthouse Fund shall be applied to the payment of the expenses by this Act charged thereon and to no other purpose whatever

(3)<sup>1</sup> [The amount standing at the commencement of this Act to the credit of the Mercantile Marine Fund shall be carried to the credit of the General Lighthouse Fund and] the liabilities of the Mercantile Marine Fund<sup>2</sup> \* \* \* shall be discharged out of the General Lighthouse Fund.

reference of  
main light  
and  
reference to  
general  
lighthouse  
fund.

2 (1) All colonial light dues shall<sup>3</sup> \* \* \* be carried to the General Lighthouse Fund, subject to the prior payment thereof of any sums payable on account of money secured on those dues at the commencement of this Act in accordance with the conditions on which the money is secured

(2) All sums, which at the commencement of this Act are standing to the credit of the accounts kept by the Board of Trade with respect to colonial light dues (including any sum standing to the credit of the Besses Lights Fund) shall be transferred and paid to the General Lighthouse Fund but shall remain subject to any existing charges thereon

(3) All expenses incurred in constructing or maintaining any colonial lights and the contribution made by Her Majesty's Government in respect of the lighthouse on Cape Spartel Morocco shall<sup>4</sup> \* \* \* be paid out of the General Lighthouse Fund

(1) Sections six hundred and sixty-one six hundred and sixty-two and six hundred and sixty-three of the Merchant Shipping Act 1894 (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses) shall apply in the case of colonial lights as they apply in the case of other lighthouses buoys or beacons<sup>5</sup>

(c) All expenses incurred<sup>6</sup> \* \* \* by the Board of Trade or any of general lighthouse authorities in making and maintaining communication between lighthouses and the shore shall be paid out of the General Lighthouse Fund Provided that such communications shall be available for private

<sup>1</sup> The words "and the amount standing at the commencement of this Act to the credit of the Mercantile Marine Fund shall be carried to the credit of the General Lighthouse Fund" are omitted by the Act of 1898.  
<sup>2</sup> The words "and the liabilities of the Mercantile Marine Fund" are omitted by the Act of 1898.  
<sup>3</sup> The words "shall" are omitted by the Act of 1898.  
<sup>4</sup> The words "shall" are omitted by the Act of 1898.  
<sup>5</sup> The words "as they apply in the case of other lighthouses buoys or beacons" are omitted by the Act of 1898.  
<sup>6</sup> The words "incurred" are omitted by the Act of 1898.

messages at reasonable charges, so far as may be compatible with the efficiency and safety of the lighthouse service, and all sums received in respect thereof shall be paid to the General Lighthouse Fund

3. Such fees shall be paid in respect of the registration, transfer (including transmission), and mortgage of British ships as the Board of Trade, with the consent of the Treasury, determine, not exceeding those specified in the First Schedule to this Act, and all such fees shall be paid into the Exchequer. Provided that fees shall not be payable under this section in respect of vessels solely employed in fishing or sailing ships of under one hundred tons

Fees for registration, transfer, etc. of ships.

4. [*Power to recover expenses incurred on account of distressed seamen — Rep 6 Ldr 7, c 18, s 55, Sch. II*]

5. (1)<sup>1</sup> the general lighthouse authorities shall levy light dues with respect to the voyages made by ships or by way of periodical payment and not with respect to the lights which a ship passes or from which it derives benefit, and the dues so levied shall take the place of the dues now levied by those authorities

Scale of light dues

(2) The scale and rules set out in the Second Schedule to this Act shall have effect for the purpose of the levying of light dues in pursuance of this Act, but Her Majesty may, by Order in Council, alter, either generally or with respect to particular classes of cases, the scale or rules and the exemptions therefrom.

(3) Before any Order in Council is made under this section, the draft thereof shall be laid before each house of Parliament for not less than thirty days on which that House is sitting, and if either House, before the expiration of the thirty days during which the draft has been laid before it, presents an address to Her Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, but this shall be without prejudice to the making of any new draft Order.

6. [*Allowance in respect of British boy sailors available for the Royal Naval Reserve — Rep (U. K.) 8 Edw 7, c. 49 (S. L. R.). Spent*]

7. In this Act, unless the context otherwise requires—

Definitions.

The expression “colonial lights” means any lighthouses, buoys, or beacons on or near the coast of a British possession and maintained by the Board of Trade out of moneys provided by Parliament or out of colonial light dues, and includes the lighthouses mentioned in the Third Schedule to this Act

The expression “Basses Lights Fund” means the fund referred to in section five of the Public Works Loans Act, 1887, formed by the dues levied in respect of the Basses lights

Other expressions have the same meaning as in the Merchant Shipping Act, 1894.

<sup>1</sup> The words “On and after the commencement of this Act” were repealed (U. K.) by 8 Edw 7, c 49 (S. L. R.)

8 [*Repeal—Rep (U K) 8 Edw 7 c. 49 (S L R.)*]

Short title,  
construction,  
and com-  
mencement.

9 (1) This Act may be cited as the Merchant Shipping (Mercantile Marine Fund) Act, 1898

(3) This Act shall be construed as one with the Merchant Shipping Act, 1894 and that Act and the Merchant Shipping Act 1897 the Merchant Shipping (Exemption from Pilotage) Act, 1897 and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1898

(3)<sup>1</sup> This Act shall come into operation on the first day of April one thousand eight hundred and ninety nine.

## SCHEDULES

## FIRST SCHEDULE

TABLE OF MAXIMUM FEES TO BE PAID ON THE REGISTRATION, TRANSFER  
AND MORTGAGE OF SHIPS.

## 1—Registration

	1	2.	3
1 On Initial Registry			
Vessels under 50 tons gross	1	0	0
" 50 to 100 "	1	10	0
" 100 to 200	2	0	0
with 10¢ for every additional 100 tons, or fraction of a 100.			

## 2—Transfer and Mortgage.

2. On Transfer transmission, Registry Anow Transfer of Registry Mortgage and Transfer of Mortgage

According to the gross tonnage represented by the ships or shares of ships transferred etc. (e.g. the transfer of a  $\frac{1}{4}$  share in a ship of 6,400 tons to be reckoned as the transfer of 160 tons).

	£	s	d
Under 10 tons	0	2	0
10 tons and under 20 tons	0	5	0
20 " " 30 "	0	"	6
30 " " 40 "	0	10	0
40 " " 50 "	0	12	6
50 " " 75 "	0	1	0
75 " " 100 "	0	1"	6
100 " " 150 "	1	0	0

and a further fee of \$ 61 for every additional caption of the up to 211 +  
after which \$ 2.61 for every 1000 or part of 1000. 2 - 1 -

## SECOND SCHEDULE.

### LIGHT DUES

#### *Scale of Payments.*

- 1 One penny per ton per voyage for home-trade sailing ships
- 2 Twopence farthing per ton per voyage for foreign-going sailing ships
- 3 One penny halfpenny per ton per voyage for home-trade steamers
- 4 Twopence three farthings per ton per voyage for foreign-going steamers
- 5 An annual payment in the place of payments per voyage of one shilling per ton for tugs and pleasure yachts.

#### *Rules*

(1) A ship shall not in any year be required to make payments on account of light dues—

- (a) if the ship is a home-trade ship, for more than ten voyages, and
- (b) if the ship is a foreign-going ship, for more than six voyages, and
- (c) if the ship makes voyages during the year both as a home-trade and as a foreign-going ship, for more than ten voyages, counting each voyage made as a foreign-going ship as a voyage and a half

Provided that no steamer shall be required to pay more than one shilling and fourpence halfpenny per ton, and that no sailing vessel shall be required to pay more than one shilling and a penny halfpenny per ton in any year

(2) A ship shall not pay dues both as a home-trade ship and as a foreign-going ship for the same voyage, but a ship trading from a port outside home-trade limits, and discharging cargo or landing passengers or mails at any port within home-trade limits, shall be deemed to be on one voyage as a foreign-going ship, until she has arrived at the last port of discharge of cargo or passengers brought from beyond home-trade limits, and a ship trading to a port outside home-trade limits, and loading cargo or receiving passengers or mails at any port within home-trade limits, shall be deemed to be on one voyage as a foreign-going ship from the time she starts from the first port of loading of cargo or passenger destined for a port beyond home-trade limits

(3) The voyage of a home-trade ship shall be reckoned from port to port, but a home-trade ship shall not be required to pay dues for more than three voyages in one month

(4) The voyage of a foreign-going ship trading outwards shall be reckoned from the first port of lading in the United Kingdom or the Isle of Man of cargo destined for a port outside home-trade limits

(5) The voyage of a foreign-going ship trading inwards shall be reckoned from her last port of lading outside home-trade limits to the last port in the United Kingdom or the Isle of Man at which any cargo laden outside those limits is discharged

(6) Dues payable per voyage under this Act shall be payable and collected only at ports where a ship loads or discharges cargo or passengers or mails

(7) The annual payments shall be payable at the commencement of the year in respect of which they are made, provided that a new vessel shall pay only one penny per ton for each month after the commencement of her first voyage till the first of April following

(8) For the purposes of these rules—

(a) A ship's tonnage shall be reckoned as under the Merchant Shipping Act, 1894, for dues payable on a ship's tonnage, with the addition required in section eighty-five of that Act with respect to deck cargo, or in the case of an unregistered vessel in accordance with the Thames measurement adopted by Lloyd's Register

(b) A year shall be reckoned from the day of the month on which this Act commences



### *Exemptions*

There shall be exempted from dues under this Schedule—

Her Majesty's ships

Ships belonging to foreign Governments

Sailing ships (not being pleasure yachts) of less than one hundred tons, and all ships (not being pleasure yachts) of less than twenty tons;

Vessels (other than tugs or pleasure yachts) when navigated wholly and bona fide in ballast, on which no freight is earned and without any passenger;

Ships putting in for bunker coal, stores, or provisions for their own use on board;

Vessels for the time being employed in sea fishing or in sea fishing service exclusive of vessels used for catching fish otherwise than for profit

Ships putting in from stress of weather or for the purpose of repairing or because of damage provided they do not discharge or load cargo other than cargo discharged with a view to such repairs, and afterwards re-shipped.

Yachts and pleasure boats of under five ton registered shipping tonnage.

## THIRD SCHEDULE

### I—LIGHTHOUSES MAINTAINED BY THE BOARD OF TRADE OUT OF MONEY VOTED BY PARLIAMENT

*Bahamas* 11 Lighthouses as follows:—

Gun Cay

Abaco

Cay Sal.

Great Isaac.

Cay Lobos.

Elbow Cay

Great Stirrup Cay

Castle Islands.

Inagua.

Bird Rock.

Watling Island.

On *Sombrero* one of the Leeward Islands.

*Cape Pembroke* Falkland Islands.

### II—LIGHTHOUSES MAINTAINED BY THE BOARD OF TRADE OUT OF COLONIAL LIGHT DUES LEVIED UNDER THE MERCHANT SHIPPING ACT 1894

Great Bitter, } off the Coast of Ceylon.

Little Bitter,

Barbican

Douglas Head

} on the Coast of Ceylon.

Minao Island between the Laccadive and Maldiva Islands.

Fourth Schedule 1 of (H. K.) & 1 of 7 c 12 (S. L. R.)

## THE ARMY (ANNUAL) ACT, 1899.

(62 &amp; 63 Vict., c. 3)

*In Act to provide, during twelve Months, for the Discipline and Regulation of the Army.*

[27th April, 1899.]

Whereas the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law.

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-four thousand eight hundred and fifty-three including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions :

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid.

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act will expire in the year one thousand eight hundred and ninety-nine on the following days

(a) in the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and

(3) Her Majesty in Council may revoke and vary any order previously made under this Act.

Definitions.

3 (1) In this Act unless the context otherwise requires the expressions superior court and solicitor mean respectively as respects any British possession such court in the possession, and such solicitor attorney law agent, or other person entitled to practise as agent in a court of law in the British possession, as may be prescribed.

(2) A part of a British possession under a local legislature may be treated as a British possession for the purposes of this Act

Applications of Act to Scotland

4 In the application of this Act to Scotland, the following modifications shall be made —

(a) Court of Session shall be substituted for Supreme Court

(b) Solicitor of the Supreme Court shall mean any enrolled law agent under the Law Agents (Scotland) Act, 1873

(c) Articles of clerkship shall include indentures of apprenticeship, 30 & 37  
Vict, c 63

Application of Act to Ireland.

5 In the application of this Act to Ireland the following modification shall be made —

Articles of clerkship shall include indentures of apprenticeship

Modification in application of Act to different parts of the United Kingdom.

6 (1) An Order in Council applying this Act to a court in a British possession may provide that solicitors of that court may be admitted by virtue of this Act to be solicitors in any part of the United Kingdom namely England, Scotland or Ireland, or in two or one of those parts only

(2) A person admitted under this Act to be a solicitor in one part of the United Kingdom shall not while remaining a solicitor there be admitted under this Act to be a solicitor in any other part of the United Kingdom

Short title repeal and commencement of Act.

7 (1) This Act may be cited as the Colonial Solicitors Act, 1900

(2) [*Repeal—Rep (U K ) 8 Edic 7 c 49 (S L R )*]

<sup>1</sup>(3) This Act shall come into operation on the first day of January one thousand nine hundred and one

*SCHEDULE F—[Enactments repealed—Rep (U K ) 8 Edic 7 c 49 (S L R )]*

*THE MERCHANT SHIPPING (LIABILITY OF SHIPOWNERS AND OTHERS) ACT, 1900*  
 (63 & 64 Vict, c 32)

*An Act to amend the Merchant Shipping Act 1891 with respect to the Liability of Shipowners and others*

[5th August 1900]

Be it enacted by the Queen's most Excellent Majesty in and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in

the present Parliament assembled and by the authority of the same, as follows:—

1. The limitation of the liability of the owners of any ship set by section five hundred and three of the Merchant Shipping Act, 1894, in respect of loss of or damage to vessels, goods, merchandise, or other things, shall extend and apply to all cases where (without their actual fault or privity) any loss or damage is caused to property or rights of any kind, whether on land or on water, or whether fixed or moveable, by reason of the improper navigation or management of the ship. Further limitation of liability of shipowner

2. (1) The owners of any dock or canal, or a harbour authority or a conservancy authority, as defined by the Merchant Shipping Act, 1894, shall not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding eight pounds for each ton of the tonnage of the largest registered British ship which, at the time of such loss or damage occurring, is, or within the period of five years previous thereto has been, within the area over which such dock or canal owner, harbour authority or conservancy authority, performs any duty or exercises any power. A ship shall not be deemed to have been within the area over which a harbour authority or a conservancy authority performs any duty, or exercises any powers, by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situate outside that area or that it has loaded or unloaded mails or passengers within that area. Limitation of liability of harbour conservancy authority.

(2) For the purpose of this section the tonnage of ships shall be ascertained as provided by section five hundred and three, sub-section two, of the Merchant Shipping Act, 1894, and the register of any ship shall be sufficient evidence that the gross tonnage and the deductions therefrom and the registered tonnage are as therein stated

(3) Section five hundred and four of the Merchant Shipping Act, 1894, shall apply to this section as if the words "owner of a British or foreign ship" included a harbour authority and a conservancy authority, and the owner of a canal or of a dock

(4) For the purpose of this section the term "dock" shall include wet docks and basins, tidal docks and basins, locks, cuts, entrances, dry docks, graving, docks, gridirons, slips, quays, wharves, piers, stages, landing-places, and jetties

(5) For the purposes of this section the term "owners of a dock or canal" shall include any person or authority having the control and management of any dock or canal, as the case may be

(6) Nothing in this section shall impose any liability in respect of any such loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not passed

1122 *The Merchant Shipping (Liability of Shipowners and others) Act 1900* [63 & 64 Vict, c 32.  
*The Reserve Forces Act, 1900* [63 & 64 Vict, c 42

Limitation of liability where several claims arise on one occasion.

3 The limitation of liability under this Act shall relate to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any general or private Act of Parliament, and notwithstanding anything contained in such Act

Short title.

4. This Act may be cited as the Merchant Shipping (Liability of Shipping and others) Act 1900

Construction.

5 This Act shall be construed as one with the Merchant Shipping Act, 1894 and that Act and the Merchant Shipping Act 1897 the Merchant Shipping (Exemption from Pilotage) Act, 1897 the Merchant Shipping (Liability of Shipowners) Act 1898 the Merchant Shipping (Mercantile Marine Fund) Act 1898 and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1900

Vict c 55  
 60 & 61  
 Vict. c. 59  
 60 & 61  
 Vict., c. 61  
 61 & 62  
 Vict., c. 14  
 61 & 62  
 Vict c. 41

THE RESERVE FORCES ACT, 1900

(63 & 64 Vict, c 42 )

*An Act to amend the Reserve Forces Act 1882*

[6th August 1900]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in the present Parliament assembled and by the authority of the same as follows

Amendment of 45 & 46 Vict., c. 49 s. 3, as to calling out on permanent service

1 Men in the second division of the first class of the army reserve shall be liable to be called out on permanent service notwithstanding that directions have not been given for calling out the whole of the first division on such service and accordingly in section three of the Reserve Forces Act 1882 the words and in the event of such direction being given men in the second division shall not be liable to be called out on permanent service until directions have been given for calling out the whole of the first division on such service shall be repealed

45 & 46  
 Vict. c 49

Provided that this section shall not apply to a man who entered the said second division before the passing of this Act except with his consent

Amendment of 45 & 46 Vict., c. 49 s. 10 as to rank of militia reserve on return to militia.

2 Sub-section four of section ten of the Reserve Forces Act 1882 shall be subject to the following proviso

Provided that—

(a) the rank of any such man shall not be lower than that to which he was entitled in the army immediately before he was called out on permanent service, and

- (b) if, whilst on permanent service, his rank has been reduced below that to which he was entitled before being called out on permanent service, and continues below that rank until the time when he is released from permanent service, his rank in the militia shall be correspondingly reduced; and
- (c) if, being of a rank above that of a private in the militia, he has served on permanent service as a private, and whilst so serving has been awarded any punishment which, had he at the time held the rank which he held in the militia, would have involved reduction to a lower rank, his rank in the militia on his being released from permanent service shall be reduced accordingly; and
- (d) if under the foregoing provisions the rank of any such man in the militia is raised or reduced above or below that which he held before he entered on permanent service, his pay shall be correspondingly raised or reduced.

3. This Act may be cited as the Reserve Forces Act, 1900

Short title.

# THE COLONIAL STOCK ACT, 1900.

(63 & 64 Vict., c. 62.)

*An Act to amend the Colonial Stock Acts, 1877 and 1892, and the Trustee Act, 1893.*

[8th August, 1900]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. For the purpose of enabling the Colonial Stock Acts, 1877 and 1892, to be applied to stock issued before the passing of this Act, it shall not be necessary that any prospectus, notice, stock certificate, coupon, dividend warrant, or other certificate or document issued before the passing of this Act in relation to the stock, should state the particulars required to be stated therein by section nineteen of the Colonial Stock Act, 1877. Amendment of 40 & 41 Vict., c. 59, s. 19, as to colonial stock.

2. The securities in which a trustee may invest under the powers of the Trustee Act, 1893, shall include any colonial stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 and 1892, as amended by this Act, and with respect to which there have been observed such conditions (if any) as the Treasury may by order notified in the London Gazette prescribe. Power for trustee to invest in colonial stock.

The restrictions mentioned in section two, sub-section (2) of the Trustee Act, 1893, with respect to the stock therein referred to shall apply to colonial stocks. The Treasury shall keep a list of any colonial stocks in respect of which the provisions of this Act are for the time being complied with and shall

publish the list in the London and Edinburgh Gazettes, and in such other manner as may give the public full information on the subject.

Application  
to Scotland.

3 In the application of this Act to Scotland the words Trusts (Scotland) Amendment Act 1884 shall be substituted for the words Trustee Act 1893 where those words first occur in section two and the restrictions mentioned at the end of the said section shall apply

Short title.

4 This Act may be cited as the Colonial Stock Act 1900 and the Colonial Stock Acts 1877 and 1892 and this Act may be cited collectively as the Colonial Stock Acts 1877 to 1900

40 & 41  
Vict., c. 79  
55 & 56  
Vict., c.

### ARMY (ANNUAL) ACT 1901

(1 Edw 7, c 2)

*An Act to provide during twelve months for the Discipline and Regulation of the Army*

[29th April 1901]

[Preamble]

Short title.

1 This Act may be cited as the Army (Annual) Act 1901

### Amendment of Army Act

Amendment  
of 44 & 45  
Vict., c. 58  
& 70 as to  
courts of  
inquiry

4 At the end of section seventy of the Army Act the following sub-section shall be inserted as a new sub-section

(5) The rules as to the procedure of courts of inquiry may provide for evidence being taken on oath and may empower courts of inquiry to administer oaths for that purpose.

Substitution  
of refer-  
ences to  
King.

5 Throughout the Army Act references to Her Majesty the Queen shall be construed as references to His Majesty the King and the necessary words shall be substituted accordingly

\* \* \* \* \*

### DEMISE OF THE CROWN ACT 1901

(1 Edw 7, c 5)

*An Act to amend the Law relating to the Holding of Offices in case of the Demise of the Crown*

[2nd July 1901]

Be it enacted by the King a most Excellent Majesty by and with the advice and consent of the Lord Spiritual and Temporal and Common in this present Parliament assembled and by the authority of the same as follows

1 (1) The holding of any office under the Crown whether civil or without His Majesty's dominions shall not be affected nor shall any fresh appointment thereto be rendered necessary by the demise of the Crown

(2) This Act shall take effect as from the last demise of the Crown

2 This Act may be cited as the Demise of the Crown Act 1901

Effect of  
demise of  
Crown on  
holding of  
office

Short title

THE ROYAL TITLES ACT, 1901.

(1 Edw. 7, c. 15.)

*An Act to enable His most gracious Majesty to make an Addition to the Royal Style and Titles in recognition of His Majesty's dominions beyond the seas*

[17th August, 1901]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1. It shall be lawful for His most gracious Majesty, with a view to the recognition of His Majesty's dominions beyond the seas, by His Royal Proclamation under the great seal of the United Kingdom issued within six months after the passing of this Act, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to His Majesty may seem fit

Power to make addition to style and title of Crown.

2 This Act may be cited as the Royal Titles Act, 1901.

Short title.

EAST INDIA LOAN (GREAT INDIAN PENINSULA RAILWAY DEBENTURES) ACT, 1901

(1 Edw. 7, c. 25.)

*An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the purpose of paying off or redeeming Debentures of the Great Indian Peninsula Railway Company*

[17th August, 1901]

Whereas by the Great Indian Peninsula Railway Purchase Act, 1900, it is enacted that the Secretary of State in Council of India (hereinafter referred to as the Secretary of State) shall from time to time, as and when the same becomes due, pay to the several persons for the time being entitled thereto the principal moneys secured by any debentures of the Great Indian Peninsula Railway Company

And whereas the total of the principal moneys secured by the said debentures of the Company, which, together with the rates of interest payable upon and the dates for the redemption of the same respectively, are specified in the schedule to this Act, amounts to the sum of three million two hundred and twenty thousand nine hundred pounds

And whereas it is expedient that the Secretary of State shall be empowered to raise money in manner in this Act mentioned for the redemption and discharge of the said debentures, as and when the same respectively shall become redeemable

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 This Act may be cited as the East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901



Power to  
Secretary of  
State to raise  
sums not  
exceeding  
£2,000,000.

2 It shall be lawful for the Secretary of State at any time or times, to raise in the United Kingdom as and when necessary, for the discharge and redemption of the said debentures, any sum or sums of money not exceeding in the whole the sum of three million two hundred and twenty thousand nine hundred pounds, such sum or sums to be raised by the creation and issue of bonds, debentures, bills or capital stock bearing interest or partly by one of such modes, and partly by another or others.

Limit of  
charge on  
revenues of  
India.

3 The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed the amount required for the discharge of the said debentures

Power to  
raise money  
for payment  
of principal  
money

4 Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise by all or any of the modes aforesaid all or any part of the amount of principal money repaid or to be repaid and so from time to time as all or any part of any principal moneys under this Act may require to be repaid but the amount so to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid

Securities  
to be charged  
on revenues  
of India.

5 All bonds debentures and bills issued under this Act, and the principal moneys and interest thereby secured and all capital stock issued under this Act, and the interest thereon shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India.

aving.

6 This Act shall not prejudice or affect any power of raising or borrowing money vested in the Secretary of State at the time of passing thereof

Provisions  
of 50 & 57  
Act, c 70  
to apply

7 The provisions of the East India Loan Act 1893 as to the issue and nature verification, terms, and conditions of bonds debentures and bills and the payment of principal and interest on debentures and the creation registration and transfer of capital stock and the composition for stamp duties and as to criminal offences and as to the application of the India Stock Certificate Act 1863 shall apply in the case of bonds debentures, and bills issued and capital stock created under this Act as the case may be

### SCHEDULE

#### DEBENTURES OF THE GREAT INDIAN PENINSULA RAILWAY COMPANY

Amount.	Rate of Interest.	Date of Redemption.
£		
1,000,000	3 per cent.	30th June 1902
200,000	"	31st December 1907
200,000	"	30th June 1912
200,000	"	31st December 1917
1,000,000	"	30th June 1914
2,000,000	"	30th June 1914
£3,200,000		

THE MAIL SHIPS ACT, 1902.

(2 Edw. 7, c. 36.)

*An Act to amend the Mail Ships Act, 1891*

[18th December, 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

1 (1) For sub-section (2) of section 3 of the Mail Ships Act, 1891, the following sub-section shall be substituted

Amendment  
of 54 & 55  
Viot, c. 31,  
as to security  
for ships  
engaged in  
postal  
service.

“(2) The security shall be the bond of the owner guaranteed at his option either—

(a) by one or more responsible sureties (whether natural or corporate person) permanently resident within the jurisdiction of the High Court, or

(b) by the payment or transfer into court of cash or of securities of the Government of the United Kingdom ”

(2) In sub-section (5) of the same section, after the words “ variation of conditions of the service ” shall be inserted the words “ change in the residence or place of business or circumstances of any surety ”

2. This Act may be cited as the Mail Ships Act, 1902, and the Mail Ships Act, 1891, and this Act may be cited together as the Mail Ships Acts, 1891 and 1902

Short title.

CONTRACTS (INDIA OFFICE) ACT, 1903.

(3 Edw. 7, c. 11.)

*An Act to remove Doubts as to the Mode of Execution of certain Contracts entered into on behalf of the Secretary of State for India in Council.*

[21st July, 1903.]

Whereas doubts have arisen as to the proper mode of the execution of certain contracts on behalf of the Secretary of State in Council, and it is expedient that such doubts should be removed

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

1. The expression “ the Secretary of State ” means the Secretary of State in Council of India

Definition.

2 Every contract for or relating to the manufacture, sale, purchase, or supply of goods, or for or relating to affreightment or the carriage of goods, or to insurance, may be entered into, made, and signed on behalf of the Secretary of State by any person upon the permanent establishment of the Secretary of State, duly empowered by the Secretary of State in his behalf,

Mode of  
executing  
contracts

<i>Contracts (India Office) Act, 1903</i>	[3 Edw 7, c 11]
<i>The Indian Councils Act, 1904</i>	[4 Edw 7, c 26]
<i>The Shipowners Negligence (Remedies) Act 1905</i>	[5 Edw 7, c 10]

subject to such rules and restrictions as the Secretary of State may from time to time prescribe And contracts so entered into made and signed shall be as valid and effectual as if entered into as prescribed by the fifth section of the Government of India Act 1859 22 & 23  
Vict., c. 41

Contracts to be laid before the Secretary of State.

Short title

3 Particulars of all contracts so entered into as aforesaid shall be laid before the Secretary of State in such manner and form and within such time as the Secretary of State may from time to time prescribe

4 This Act may be cited as the Contracts (India Office) Act 1903

### THE INDIAN COUNCILS ACT 1904

(4 Edw 7, c 26)

#### *An Act to amend the Indian Councils Act 1874*

[15th August 1904]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows

1 In section one of the Indian Councils Act 1874 the words who shall be called the member of council for public works purposes and in section two of the same Act the words for public works purposes, are hereby repealed.

2 This Act may be cited as the Indian Councils Act 1904

Repeal of certain words in 37 & 38 Vict. c. 61

Short title

### THE SHIPOWNERS NEGLIGENCE (REMEDIES) ACT 1905

(5 Edw 7, c. 10.)

#### *An Act to enlarge the Remedies of Persons injured by the Negligence of Ship-owners*

[11th August 1905]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows

1 (1) If it is alleged that the owners of any ship are liable to pay damages in respect of personal injuries including fatal injuries caused by the ship or sustained on or about the ship in any port or harbour in the United Kingdom in consequence of the wrongful act or neglect or default of the owners of the ship or the master or officers or crew thereof or any other person in the employment of the owners of the ship or of any defect in the ship or its apparel or equipment and at any time that ship is found in any port or river of England or Ireland or within three miles of the coast thereof or a judgment of any court of record in England or Ireland may upon its being shown to him by any person applying in accordance with the rules of court that the owners

Enlargement of remedy by action for injuries caused by negligence of a shipowner

are probably liable to pay damages in respect of such injuries, and that none of the owners reside in the United Kingdom, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have made satisfaction in respect of the injuries, or have given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injuries, and to pay all costs and damages that may be awarded thereon, and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding in relation to such injuries as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship which has caused the injuries, or on, in, or about which the injuries were sustained, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding

& 58 Vict, 30. (3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and the expressions "port" and "harbour" have the same meaning as in that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this Act be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected

& 61 Vict, 37. (4) The words "person applying" in this section shall include an employer who has paid compensation or against whom a claim for compensation has been made under the Workmen's Compensation Act, 1897, as amended by any subsequent enactment, if he shows the judge that he probably is or will become entitled to be indemnified under that Act, and in such case this section shall apply as if the employer were a person claiming damages in respect of personal injuries

2. This Act shall come into operation on the first day of January nineteen hundred and six, and may be cited as the Shipowners' Negligence (Remedies) Act, 1905 Commence-  
ment and  
short title.

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THE MEDICAL ACT, (1886) AMENDMENT ACT, 1905.

(5 Edw. 7, c. 14.)

*An Act to amend the Medical Act, 1886*

[11th August, 1905]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in



*Register of Trade Marks.*

4. There shall be kept at the Patent Office for the purposes of this Act a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed. The register shall be kept under the control and management of the Comptroller General of Patents, Designs, and Trade Marks, who is in this Act referred to as the Registrar. Register of trade marks.

5. There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar. Trust not to be entered on register

6. The register of trade marks existing at the date of the commencement of this Act, and all registers of trade marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. Subject to the provisions of sections thirty-six and forty-one of this Act, the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade mark shall retain its original dates, but for all other purposes it shall be deemed to be a trade mark registered under this Act. Incorporation of existing register

7. The register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed, and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee. Inspection of and extract from register.

*Registrable Trade Marks*

8. A trade mark must be registered in respect of particular goods or classes of goods. Trade mark must be for particular goods

9. A registrable trade mark must contain or consist of at least one of the following essential particulars. Registrable trade marks

- (1) The name of a company, individual, or firm represented in a special or particular manner ;
- (2) The signature of the applicant for registration or some predecessor in his business ,
- (3) An invented word or invented words ,
- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname ,
- (5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark

Provided always that any special or distinctive word or words, letter numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the thirteenth day of August one thousand eight hundred and seventy five which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade mark under this Act

For the purposes of this section 'distinctive' shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted the tribunal may in the case of a trade mark in actual use take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered

10 A trade mark may be limited in whole or in part to one or more specified colours and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

11 It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice or would be contrary to law or morality or any scandalous design

### *Registration of Trade Marks*

12 (1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner

(2) Subject to the provisions of this Act the Registrar may refuse such application or may accept it absolutely or subject to conditions amendments or modifications

(3) In case of any such refusal or conditional acceptance the Registrar shall if required by the applicant state in writing the grounds of his decision and the materials used by him in arriving at the same and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant

(4) An appeal under this section shall be made in the prescribed manner and on such appeal the Board of Trade or the Court as the case may be, shall if required hear the applicant and the Registrar and shall make an order determining whether and subject to what conditions amendments or modifications if any the application is to be accepted

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar other than those stated by him

Coloured  
trade marks.

Restriction  
on registra-  
tion.

Application  
or registra-  
tion.

except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar of the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application or may permit the applicant to amend his application upon such terms as they may think fit.

13. When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted

Advertisement of application

14. (1) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration

Opposition to registration

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application

(4) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving a notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted

(5) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent, on giving notice as prescribed

(9) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified



in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar, or in the case of an appeal to the Board of Trade, the Board of Trade shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

Disclaimers.

15 If a trade mark contains parts not separately registered by the proprietor as trade marks or if it contains matter common to the trade or otherwise of a non-distinctive character the Registrar or the Board of Trade or the Court in deciding whether such trade mark shall be entered or shall remain upon the register may require as a condition of its being upon the register that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration. Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

Date of registration.

16 When an application for registration of a trade mark has been accepted and has not been opposed and the time for notice of opposition has expired or having been opposed the opposition has been decided in favour of the applicant the Registrar shall unless the Board of Trade otherwise direct register the said trade mark and the trade mark, when registered shall be registered as of the date of the application for registration and such date shall be deemed for the purposes of this Act to be the date of registration.

Certificate of registration.

17 On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand of the Registrar and sealed with the seal of the Patent Office.

Non-completion of registration.

18 Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant the Registrar may after giving notice of the non-completion to the applicant in writing in the prescribed manner treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

#### *Identical Trade Marks*

Identical marks.

19 Except by order of the Court or in the case of trade marks in use before the thirteenth day of August one thousand eight hundred and

five, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive.

20. Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade.

Rival claims  
to identical  
marks

21. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

Concurrent  
user

#### *Assignment.*

22. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

Assignment  
and trans-  
mission of  
trade marks.

23. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

Apportion-  
ment of  
marks on  
dissolution  
of partner-  
ship

#### *Associated Trade Marks.*

24. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

Associated  
trade marks.

25. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately, he may apply to register

Combined  
trade marks

in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar, or in the case of an appeal to the Board of Trade, the Board of Trade shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal and in default of such security being duly given may treat the opposition or appeal as abandoned.

**Disclaimers.**

15 If a trade mark contains parts not separately registered by the proprietor as trade marks or if it contains matter common to the trade or other wise of a non-distinctive character the Registrar or the Board of Trade or the Court in deciding whether such trade mark shall be entered or shall remain upon the register may require as a condition of its being upon the register that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark or of all or any portion of such matter to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration. Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

**Date of registration.**

16 When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been decided in favour of the applicant the Registrar shall unless the Board of Trade otherwise direct register the said trade mark and the trade mark, when registered shall be registered as of the date of the application for registration and such date shall be deemed for the purposes of this Act to be the date of registration.

**Certificate of registration.**

17 On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand of the Registrar and sealed with the seal of the Patent Office.

**Non-completion of registration.**

18 Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant the Registrar may after giving notice of the non-completion to the applicant in writing in the prescribed manner treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

#### *Identical Trade Marks*

**Identical marks.**

19 Except by order of the Court or in the case of trade marks in use before the thirteenth day of August one thousand eight hundred and seventy

five, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive.

20. Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade

Rival claims  
to identical  
marks

21. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

Concurrent  
user

### *Assignment*

22. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods

Assignment  
and trans-  
mission of  
trade marks.

23. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade

Apportion-  
ment of  
marks on  
dissolution  
of partner-  
ship

### *Associated Trade Marks.*

24. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks

Associated  
trade marks.

25. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately, he may apply to register

Combined  
trade marks

the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such but the user of the whole trade mark shall for the purposes of this Act be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

Series of  
trade marks.

26 When a person claiming to be the proprietor of several trade marks for the same descriptions of goods which while resembling each other in the material particulars thereof yet differ in respect of—

- (a) statements of the goods for which they are respectively used or proposed to be used or
- (b) statements of number price quality or names of places or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark or
- (d) colour

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

Assignment  
and user of  
associated  
trade marks.

27 Associated trade marks shall be assignable or transmissible only as a whole and not separately but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Act user of a registered trade mark is required to be proved for any purpose the tribunal may if and so far as it shall think right accept user of an associated registered trade mark or of the trade mark with additions or alterations not substantially affecting its identity as an equivalent for such user.

#### *Renewal of Registration*

Duration of  
registration.

28 The registration of a trade mark shall be for a period of fourteen years but may be renewed from time to time in accordance with the provisions of this Act.

Renewal of  
registration.

29 The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be which date is herein termed the expiration of the last registration.

Procedure on  
expiry of  
period of  
registration.

30 At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date on which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained and if at the expiration of the time presented in that behalf such conditions have not been duly complied with the Registrar may remove such trade

mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

31. Where a trade mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no *bonâ fide* trade user of such trade mark during the two years immediately preceding such removal. Status of unrenowned trade mark

### *Correction and Rectification of the Register*

32 The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name,— Correction of register

- (1) correct any error in the name or address of the registered proprietor of a trade mark ; or
- (2) enter any change in the name or address of the person who is registered as proprietor of a trade mark , or
- (3) cancel the entry of a trade mark on the register , or
- (4) strike out any goods or classes of goods from those for which a trade mark is registered , or
- (5) enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade

33 Subject to the provisions of this Act where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark Any decision of the Registrar under this section shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade Registration of assignments, etc

34 The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Board of Trade If leave be granted, the trade mark as altered shall be advertised in the prescribed manner Alteration of registered trade mark

35 Subject to the provisions of this Act—

- (1) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without-sufficient cause, or by any entry wrongly remaining on the

Rectification of Register

register or by any error or defect in any entry in the register make such order for making, expunging, or varying such entry, as it may think fit

- (2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register
- (3) In case of fraud in the registration or transmission of a registered trade mark the Registrar may himself apply to the Court under the provisions of this section
- (4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly

Trade marks  
registered  
under pre-  
vious Acts.

36 No trade mark which is upon the register at the commencement of this Act and which under this Act is a registrable trade mark shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

Non user of  
trade mark.

37 A registered trade mark may on the application to the Court of any person aggrieved be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bond fide* intention to use the same in connection with such goods, and there has in fact been no *bond fide* user of the same in connection therewith or on the ground that there has been no *bond fide* user of such trade mark in connection with such goods during the five years immediately preceding the application unless in either case such non user is shown to be due to special circumstances in the trade and not to any intention not to use or to abandon such trade mark in respect of such goods

#### *Effect of Registration.*

Powers of  
registered  
proprietor.

38: Subject to the provisions of this Act—

- (1) The person for the time being entered in the register as proprietor of a trade mark shall subject to any rights appearing from such register to be vested in any other person have power to assign the same and to give effectual receipts for any consideration for such assignment
- (2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property

Rights of  
proprietor of  
trade mark.

39 Subject to the provisions of section forty-one of this Act and to any limitations and conditions entered upon the register the registration of a person as proprietor of a trade mark shall, if valid give to such person the exclusive right to the use of such trade mark upon or in connection with the

goods in respect of which it is registered : Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective right shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

40 In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same Registration to be *prima facie* evidence of validity.

41. In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration or seven years from the passing of this Act, whichever shall last happen, be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section eleven of this Act : Registration to be conclusive after seven years

Provided that nothing in this Act shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first-mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section twenty-one of this Act

42 No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the thirteenth of August one thousand eight hundred and seventy-five, and has been refused registration under this Act The Registrar may, on request, grant a certificate that such registration has been refused Unregistered trade mark.

43 In an action for the infringement of a trade mark the court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks of get-up legitimately used in connection with such goods by other persons Infringement

44 No registration under this Act shall interfere with any *bonâ fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bonâ fide* description of the character or quality of his goods User of name, address, or description of goods.



"Passing  
off action.

45 Nothing in this Act contained shall be deemed to affect rights of action against any person for passing-off goods as those of another person or the remedies in respect thereof.

### *Legal Proceedings*

Certificate of  
validity

46 In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs charges and expenses as between solicitor and client unless in such subsequent proceeding the Court certifies that he ought not to have the same

Registrar to  
have notice  
of proceed-  
ing for  
rectification.

47 In any legal proceeding in which the relief sought includes alteration or rectification of the register the Registrar shall have the right to appear and be heard and shall appear if so directed by the Court Unless otherwise directed by the Court the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases or of such other matters relevant to the issues, and within his knowledge as such Registrar as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding

### *Costs*

Costs of  
proceedings  
before the  
Court.

48 In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court but the Registrar shall not be ordered to pay costs of any other of the parties

### *Evidence.*

Mode of  
giving  
evidence.

49 In any proceeding under this Act before the Board of Trade or the Registrar the evidence shall be given by statutory declaration in the absence of directions to the contrary but in any case in which it shall think it right so to do the tribunal may (with the consent of the parties) take evidence *voir dire* in lieu of or in addition to evidence by declaration Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken *voir dire* the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an Official Referee of the Supreme Court

50. Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts in His Majesty's dominions, and all proceedings, without further proof or production of the originals. Sealed copies to be evidence.

51. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act, or rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done. Certificate of Registrar to be evidence.

52 (1) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown. Certificate of Board of Trade to be evidence.

(2) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

## PART II.

### *Powers and duties of Registrar of Trade Marks.*

53 Where any discretionary or other power is given to the Registrar by this Act or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard. Exercise of discretionary power by Registrar.

54 Except where expressly given by the provisions of this Act or rules made thereunder there shall be no appeal from a decision of the Registrar other than to the Board of Trade, but the Court, in dealing with any question of the rectification of the register (including all applications under the provisions of section thirty-five of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made. Appeal from Registrar

55 Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorised in the prescribed manner. Recognition of agents

56 The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter. Registrar may take directions of law officers.

Annual reports of Comptroller

Comptroller General of Patents Designs, and Trade Marks shall  
57 The Comptroller on the execution by or under him of the Patents, Designs, in his yearly reports Act, 1883 and Acts amending the same include a report 48 & 47 and Trade Marks execution by or under him of this Act as though it formed a Vict., c. 57 respecting the included in such Acts. part of or was

*Powers and Duties of the Board of Trade*

Proceedings before Board of Trade.

58 All things required or authorised under this Act to be done by or to or before the Board of Trade may be done by or before the President or a before the Board assistant secretary of the Board or any person authorised in secretary or as the President of the Board.

that behalf by under this Act an appeal is made to the Board of Trade, the 59 Wherein may if they think fit refer any such appeal to the Court Board of Trade and deciding it themselves but unless the Board so refer in lieu of hearing shall be heard and decided by the Board, and the decision of the appeal, it will be final.

the Board subject to the provisions of this Act the Board of Trade may

Power of Board of Trade to make rules.

60 (1) The Board may make such rules prescribe such forms and generally do from time to time they think expedient—

such things as regulating the practice under this Act

- (a) For classifying goods for the purposes of registration of trade marks
- (b) For checking or requiring duplicates of trade marks and other documents
- (c) For notices

- (d) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade marks and other documents

- (e) Generally for regulating the business of the office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar or of the Board of Trade

any rules made under this section shall, whilst in force, be of the same

- (2) Rules so made were contained in this Act.

effect as if the making any rules under this section the Board of Trade shall

(3) Before the making of their intention to make the rules and of the place where publish notices draft rules may be obtained in such manner as the Board consider expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

representations to the rules made in pursuance of this section shall be forthwith advertised

(4) Any Trade Marks Journal, and shall be laid before both Houses of twice in the Parliament be in session at the time of making thereof or if not Parliament then as practicable after the beginning of the then next session of then as soon as

Parliament. Each House of Parliament within the next forty days after any

(5) If either House so laid before such House, resolve that such rules or any of rules have been so annulled, the same shall after the date of such resolution be then ought

of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

### *Fees.*

61. There shall be paid in respect of applications and registrations and <sup>Fees.</sup> other matters under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.

### *Special Trade Marks.*

62 Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the results of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a good will in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark and such association or person to be the proprietor thereof save that such trade mark shall be transmissible or assignable only by permission of the Board of Trade. <sup>Standardiza-  
tion, etc., of  
trade marks</sup>

### *Sheffield Marks*

63 With respect to the master, wardens, searchers, assistants, and com- <sup>Sheffield</sup> monalty of the Company of Cutlers in Hallamshire, in the county of York (in <sup>marks</sup> this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that company, the following provisions shall have effect.

- (1) The Cutlers' Company shall continue to keep at Sheffield the register of trade marks (in this Act called the Sheffield register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Act, such register shall for all purposes form part of the register
- (2) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods as defined in the section, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in such register before the passing of this Act.
- (3) An application for registration of a trade mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :

- (4) Every application so made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner, and unless the Registrar within the prescribed time gives notice to the Cutlers Company of any objection to the acceptance of the application, it shall be proceeded with by the Cutlers Company in the prescribed manner
- (5) If the Registrar gives notice of an objection as aforesaid, the application shall not be proceeded with by the Cutlers Company but any person aggrieved may in the prescribed manner appeal to the Court
- (6) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall give notice thereof to the Registrar who shall thereupon enter the mark in the register of trade marks and such registration shall bear date as of the day of application to the Cutlers Company and have the same effect as if the application had been made to the Registrar on that day
- (7) The provisions of this Act and of any rules made under this Act with respect to the registration of trade marks and all matters relating thereto shall, subject to the provisions of this section (and notwithstanding anything in any Act relating to the Cutlers Company) apply to the registration of trade marks on metal goods by the Cutlers Company and to all matters relating thereto and this Act and any such rules shall, so far as applicable be construed accordingly with the substitution of the Cutlers Company the office of the Cutlers Company and the Sheffield register for the Registrar the Patent Office and the Register of Trade Marks respectively and notice of every entry cancellation or correction made in the Sheffield register shall be given to the Registrar by the Cutlers Company
- (8) When the Registrar receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on metal goods he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers Company
- (9) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may in the prescribed manner appeal to the Court
- (10) For the purposes of this section the expression 'metal goods' means all metals whether wrought, unwrought or partly wrought, and all goods composed wholly or partly of any metal
- (11) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield register a certificate under the hand of the master of the Cutlers Company shall have the same effect as the certificate of the Registrar

*Cotton Marks*

64 (1) The Manchester Branch of the Trade Marks Registry of the Patent Cotton marks, Office (hereinafter called "the Manchester Branch") shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be styled "the keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2) As regards cotton goods which have hitherto constituted classes 23, 24 and 25, under the classification of goods under the Patents, Designs, and Trade Marks Acts, 1883 to 1902, the Register of Trade Marks for all such goods, except such as may be prescribed, shall be called "the Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch.

(3) All applications for registration of Trade Marks for such cotton goods in the said classes (hereinafter referred to as "cotton marks") shall be made to the Manchester Branch.

(4) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner together with the report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time, gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and shall be proceeded with in the prescribed manner.

(5) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant.

(6) Upon the registration of a trade mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application to the Manchester Branch, and shall have the same effect as if the application had been made to the Registrar on that day.

(7) When any mark is removed from or any cancellation or correction made in the Manchester Register notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who shall alter the duplicate register accordingly.

(8) For the purpose of all proceedings in relation to trade marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

(9) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such user shall be stated on the application.

(10) As from the passing of this Act—

- (a) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods
- (b) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods
- (c) No registration of a cotton mark shall give any exclusive right to the use of any word, letter numeral line heading, or any combination thereof.

(11) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of the Trade Marks Registration Act 1875 and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23 24 and 25 whether registered, refused lapsed expired, with drawn, abandoned cancelled or pending 39 & 40  
Vist. c. 33

(12) The Keeper of Cotton Marks shall on request and on production of a facsimile of the mark, and on payment of the prescribed fee issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of user (if any) of such mark as stated on the application and any other particulars he may deem necessary

(13) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce And the said Keeper and also the said Chamber shall if they or either of them so request, be entitled to be heard by the Board of Trade upon such proposed rules before the same are carried into effect

(14) The existing practice whereby the Keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks.

#### *International and Colonial Arrangements*

65 The provisions of sections one hundred and three and one hundred and four of the Patents Designs, and Trade Marks Act, 1883 (as amended by the Patents, Designs, and Trade Marks (Amendment) Act 1885) relating to the registration of trade marks both as enacted in such Acts and as applied by any Order in Council made thereunder shall be construed as applying to trade marks registrable under this Act 48 & 49  
Vist. c. 62.

#### *Offences*

66 If any person makes or causes to be made a false entry in the register kept under this Act or a writing falsely purporting to be a copy of an entry

International  
and Colo-  
nial arrange-  
ments.

Falsification  
of entries  
in register

in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour

67 (1) Any person who represents a trade mark as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds

Penalty on falsely representing a trade mark as registered

(2) A person shall be deemed, for the purposes of this enactment, to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered" or any words expressing or implying that registration has been obtained for the trade mark.

### *Royal Arms*

68 If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same. Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark

Unauthorised assumption of Royal Arms

### *Courts*

69 The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland and Ireland in any proceedings relating to trade mark, and with reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session, and with reference to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland

General saving for jurisdiction of Courts

70 This Act shall extend to the Isle of Man, and—

Isle of Man

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action, or proceeding respecting a trade mark competent to those Courts

(2) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour and with or without a fine not exceeding one hundred pounds, at the discretion of the Court:



- (3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Jurisdiction  
of Lancashire  
Palatine Court.

71 The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester Branch have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression the Court in this Act shall be construed and have effect accordingly

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases

Offences in  
Scotland.

72 In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court

### Repeal Savings

Repeal and  
saving for  
rules, etc.

73 The enactments described in the schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule table of fees or classification of goods made under any enactment so repealed, but every such rule table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees or classification under this Act

Application  
of 46 & 47,  
Vict. c. 57  
ss. 82-84.

74 The provisions of sections eighty two to eighty four of the Patents Designs and Trade Marks Act, 1883 as amended by any subsequent enactment shall continue to apply with respect to the administration of the Patent Office of the Law relating to the registration of trade marks and shall accordingly be construed as if this Act formed part of that Act

## SCHEDULE

Section 73.

### ENACTMENTS REPEALED

Session and Chapter	Short Title.	Extent of Repeal.
40 & 47 Vict., c. 57	The Patents, Designs, and Trade Marks Act, 1883.	Sections sixty-two to eighty-one and, so far as they respectively relate to trade marks, sections eighty-five to ninety-nine, one hundred and one, one hundred and two, one hundred and five one hundred and eight, and one hundred and eleven to one hundred and seventeen.
51 & 52 Vict. c. 50	The Patents, Designs, and Trade Marks Act, 1883.	Sections eight to twenty and, so far as they respectively relate to trade marks sections twenty-one to twenty-six.

THE EAST INDIA LOANS (RAILWAYS) ACT, 1905

(5 Edw 7, c. 19.)

*An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the construction, extension, and equipment of Railways in India by State Agency, or through the Agency of Companies, and for other purposes.*

[11th August 1905]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the East India Loans (Railways) Act, 1905. Short title

2 In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires

3 It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum or sums of money not exceeding in the whole twenty millions of pounds sterling, to be applied—

- (1) in the construction, extension, and equipment of railways in India by State agency, or through the agency of a company or companies under engagement with the Secretary of State, or
- (2) in the repayment of the principal of any bonds or debentures issued by any such company under the guarantee of the Secretary of State, or
- (3) in the discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State.

4 The power hereinbefore given to the Secretary of State to raise moneys by means of stock or other securities created by him shall be deemed to include power to create such stock or other securities to be applied directly in exchange for or discharge of any of the obligations mentioned in the third section of this Act, in such manner as may be necessary for carrying out any arrangement made for the purpose

Provided that in calculating for the purposes of section three the amount of the moneys raised under this Act, the capital value of the obligations exchanged for or discharged by means of stock or other securities created under this section shall be included as if an equivalent amount of money had been raised under this Act.

1150 *The East India Loans (Railways) Act, 1905* [5 Edw 7, c 19]  
*The Seamen's and Soldiers' False Characters* [6 Edw 7, c 5]  
*Act, 1906*

Certain provisions of 56 & 57 Vict. c. 70 to apply Saving.

5 Sections four to twelve inclusive sections fourteen to seventeen inclusive and section nineteen of the East India Loan Act, 1893 shall be incorporated with this Act

6 This Act shall not prejudice or affect any power of raising or borrowing money or of creating or issuing securities vested in the Secretary of State at the time of passing thereof

## THE SEAMEN'S AND SOLDIERS' FALSE CHARACTERS ACT 1906

(6 Edw 7, c. 5)

*An Act to amend the Law relating to the falsification of Seamen's and Soldiers' Certificates of Service or Discharge, and to false statements made used or given in connection with Entry or Enlistment into His Majesty's Naval Military or Marine Forces*

[22nd June 1906]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows

Forgery of service or discharge certificate and personation.

1 (1) If any person forges the certificate of service or discharge of any seaman or soldier or any certificate purporting to be a certificate of service or discharge of a seaman or soldier or utters any such certificate knowing it to be forged or obtains or seeks to obtain any employment or other advantage by means of any forged or counterfeit certificate of service or discharge, or personates the holder of a certificate of service or discharge he shall on conviction under the Summary Jurisdiction Acts be liable in the case of a first offence to imprisonment with or without hard labour for a term not exceeding one month, or to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to imprisonment with or without hard labour for a term not exceeding three months

(2) For the purposes of this section the expression seaman means a man who has served in His Majesty's naval forces and the expression soldier means a man who has served in His Majesty's military or marine forces

Penalty on using or giving false statements for enlistment.

2 If any man when entering or enlisting or offering himself for entry or enlistment in His Majesty's naval, military or marine forces makes use of any forged or counterfeit statement as to his character or previous employment, or any statement as to his character or previous employment which to his knowledge is false in any material particular he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds and if any person makes a written statement as to the character or previous employment of any man which he knows to be false in any mate-

6 Edw. 7, c. 5.] *The Seamen's and Soldiers' False Characters Act, 1906.* 1151

6 Edw. 7, c. 9.] *The Indian Railways Act Amendment Act, 1906.*

6 Edw. 7, c. 11.] *The Reserve Forces Act, 1906.*

rial particular, and which he allows or intends to be used for the purpose of the entry or enlistment of that man into His Majesty's naval, military, or marine forces, he shall be liable, on conviction under the Summary Jurisdiction Acts, to the like fine

3. In section sixteen of the Naval Enlistment Act, 1853 (which imposes a penalty on persons who make or give a false statement upon entering or offering themselves to enter the naval service of His Majesty), the expression "naval service" shall include service in any of the naval reserve forces. Extension of 16 & 17 Vict, c 69, s 16 to naval reserves

4. This Act may be cited as the Seamen's and Soldiers' False Characters Act, 1906 Short title.

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## THE INDIAN RAILWAYS ACT AMENDMENT ACT, 1906

(6 Edw. 7, c 9.)

*An Act to amend the Indian Railways Act, 1894*

[20th July, 1906].

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Indian Railways Act Amendment Act, 1906 Short title

58 Vict.,  
5, Edw  
21, 2. Section nine of the Indian Railways Act, 1894, and Part II of the sche- Repeal  
dule to the Expiring Laws Continuance Act, 1905, and that part of the pre-  
amble of that Act which refers thereto, are hereby repealed

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## THE RESERVE FORCES ACT, 1906.

(6 Edw. 7, c. 11.)

*An Act to amend the Law relating to the Reserve Forces*

[20th July, 1906 ]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. (1) Notwithstanding anything in the Reserve Forces Acts, a man be- Extension of  
longing to the Army Reserve may, if so authorised by or under the directions Reserve  
of the Secretary of State, reside in any British protectorate or in any part of Forces Acts  
His Majesty's dominions outside the United Kingdom. and men may be to men when  
outside the outside the

United  
Kingdom.

enlisted into the Army Reserve in any British protectorate or in any part of His Majesty's dominions outside the United Kingdom except in a colony possessing responsible government and those Acts shall, subject to such adaptations as may be made under this section apply to such men whilst so residing and to such enlistment

(2) Regulations made under section twenty of the Reserve Forces Act, 45 & 46 V 1882 may prescribe the conditions under which men belonging to the Army Reserve may if so authorised, reside outside the United Kingdom and the conditions under which men may be enlisted into the Army Reserve outside the United Kingdom and may make such adaptations in the Reserve Forces Acts as may be necessary for the purpose of adapting those Acts to the circumstances of the several parts of His Majesty's dominions outside the United Kingdom or of British protectorates.

(3) In this section the expression Reserve Forces Acts means the Reserve Forces Act 1882 as amended by any subsequent enactment and includes any enactment applied by that Act as so amended and the expression colony possessing responsible government means any colony which is specified in the Schedule to this Act, or which may hereafter on the grant to the colony of responsible government be added to that Schedule by Order in Council

Amendment  
of 45 & 46  
V. c. 48,  
s. 14

2 In sub-section (2) of section fourteen of the Reserve Forces Act 1882 (which relates to the appointment and transfer to corps of men belonging to the reserve forces when called out on permanent service) the words so however that he shall not without his consent be appointed or transferred to a corps which is not in the arm or branch in which he previously served shall be repealed but this repeal shall not without his consent obtained at or after the time of mobilisation affect any man enlisted before the passing of this Act

Short title.

3 This Act may be cited as the Reserve Forces Act 1906 and the Reserve Forces Acts 1882 and 1890 and so much of the Reserve Forces and Militia Act, 1898 as applies to the reserve forces, and the Reserve Forces Act 1899 and the Reserve Forces Act, 1900 and this Act may be cited together as the Reserve Forces Acts, 1882 to 1906

45 & 46 V  
c. 48.  
61 & 62  
c. 0  
53 & 54  
c. 42.  
63 & 63  
c. 40.  
63 & 64 V  
c. 42.

## SCHEDULE

### List of Colonies

Section 1.

The Dominion of Canada  
The Commonwealth of Australia  
New Zealand  
Cape Colony  
Natal.  
Newfoundland

## THE EXTRADITION ACT, 1906

(6 Edw 7, c. 15 )

*An Act to include Bribery amongst Extradition Crimes*

[4th August, 1906 ]

Whereas a Convention has been concluded between His Majesty and the President of the United States for including in the list of crimes on account of which extradition may be granted certain offences, and amongst other bribery

And whereas it is provided by the said Convention that it shall come into force within ten days after publication in conformity with the laws of the high contracting parties

And whereas bribery is not at present included in the list of crimes in the 33 & 34 Vict., First Schedule to the Extradition Act, 1870, and the said Convention cannot be published in conformity with the laws of the United Kingdom until bribery is so included :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1. The Extradition Act, 1870, shall be construed as if bribery were included in the list of crimes in the First Schedule to that Act

Addition  
of bribery to  
list of extradi-  
tion crimes  
Short title

2. This Act may be cited as the Extradition Act, 1906, and the Extradition Acts, 1870 to 1895, and this Act may be cited together as the Extradition Acts, 1870 to 1906

## THE COLONIAL MARRIAGES (DECEASED WIFE'S SISTER) ACT, 1906

(6 Edw 7, c 30 )

*An Act to declare the law with respect to a marriage between a man and his deceased wife's sister domiciled in parts of the British Possessions where such a marriage is legal.*

[4th August, 1906 ]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

1. For removing doubts, it is hereby declared that where a man has, whether before or after the passing of this Act, married his deceased wife's

Legislation  
of colonial  
marriages

with  
deceased  
wife's sister.

sister, and at the date of the marriage each of the parties was domiciled in a part of the British possessions in which at that date such a marriage was legal, the marriage if legal in other respects shall be and shall be deemed always to have been, legal for all purposes, including the right of succession to real property and to honours and dignities within the United Kingdom unless either party to the marriage has subsequently during the life of the other but before the passing of this Act, lawfully married another

Provided that nothing in this Act shall affect any right, interest or estate to or in any property dignity or honour the title to which, whether vested or contingent and whether in possession reversion, or remainder accrued before the passing of this Act and no claim by the Crown for duties leviable on or with reference to death and before the passing of this Act, due and payable and no payment commutation, composition discharge or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected hereby

Short title.

2 This Act may be cited as the Colonial Marriages (Deceased Wife's Sister) Act 1906

# THE MARRIAGE WITH FOREIGNERS ACT 1906

(6 Edw 7, c 40)

*An Act to amend the Law with respect to Marriages between British Subjects and Foreigners*

[29th November 1906]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows

Marriages of  
British  
subjects with  
foreigners  
abroad.

1 (1) Any British subject who desires to be married in a foreign country to a foreigner according to the law of that country may if it is desired for the purpose of complying with the requirement of the law of that country to obtain the certificate hereinafter mentioned, give notice of the marriage if resident in the United Kingdom to the registrar and if resident abroad, to the marriage officer and apply to the registrar or officer for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to the registrar or officer to exist and the registrar or officer shall after the conditions set out in the Schedule to this Act have been complied with give the certificate applied for unless the certificate is forbidden or a caveat is in operation as provided in that Schedule or some legal impediment to the marriage is shown to the registrar or officer to exist

(2) If a person—

- (a) knowingly and wilfully makes a false oath or signs a false notice of marriage for the purpose of a certificate under this section; or
- (b) forbids the granting of a certificate under this section by falsely representing himself to be a person who is authorised to forbid the certificate, knowing that representation to be false.

that person shall be guilty of perjury, and if the offence is committed abroad, may be tried in any county or place in the United Kingdom in which the offender may be, and dealt with in the same manner in all respects as if the offence had been committed in that county or place.

(3) If any person enters a caveat on grounds which the registrar or officer, or, in case of appeal, the Registrar General declares to be frivolous, that person shall be liable to pay as a debt to the applicant for the certificate such sum as the registrar or officer or, in the case of appeal, the Registrar General considers to be proper compensation for the damage caused to the applicant by the entering of the caveat

(4) Such fees may be charged in respect of any notice of an intended marriage, or any application for or grant of a certificate, or the entering of a caveat under this section, as may be fixed, as respects certificates to be granted by or caveats entered with registrars, by the Registrar General, with the consent of His Majesty in Council, and, as respects certificates to be granted by or caveats entered with a marriage officer, as may be fixed by Order under the Consular Salaries and Fees Act, 1891

4 & 55 Vict.,  
63.

2. (1) Where arrangements have been made to the satisfaction of His Majesty with any foreign country for the issue by the proper officers of that country, in the case of persons subject to the marriage law of that country proposing to marry British subjects in the United Kingdom, of certificates that after proper notices have been given no impediment according to the law of that country has been shown to exist to the marriage, His Majesty may, by Order in Council, make regulations—

- (a) requiring any person, subject to the marriage law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by or in the presence of whom the marriage is to be solemnised, and
- (b) forbidding any person to whom such a notice is given to solemnise the marriage or to allow it to be solemnised until such a certificate as aforesaid is produced to him.

(2) If any person knowingly acts in contravention of, or fails to comply with, any such regulations, he shall be guilty of a misdemeanour, and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year

(3) Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion solemn-



used according to the usages of the Jews in the presence of the secretary of a synagogue authorised by either the Births and Deaths Registration Act 1836 or the Marriages (Ireland) Act 1844 or by the Marriage and Registration Act 1856 to register such a marriage or of a deputy appointed by such secretary by writing under his hand, and approved by the president for the time of the London committee of deputies of the British Jews by writing under his hand

6 & 7 Will.  
4 c. 86.  
7 & 8 V.  
c. 81.  
19 & 20 V.  
c. 119

Power to  
make general  
regulations.

3 His Majesty may by Order in Council make general regulations prescribing the forms to be used under this Act and making such other provisions as seem necessary or expedient for the purposes of this Act and may by Order in Council revoke alter or add to any Order in Council made under this Act,

Interpreta-  
tion.

4. In this Act unless the context otherwise requires,—

the expressions 'Registrar General' and 'registrar' mean respectively the Registrar General within the meaning of the Births and Deaths Registration Act, 1836 and a superintendent registrar of marriages within the meaning of the Marriage Act 1836 and

the expression 'marriage officer' means a marriage officer for the time being under the Foreign Marriage Act, 1892 and includes any person for the time being empowered to register a marriage under section eighteen of that Act

55 & 56 V.  
c. 23.

Application  
to Scotland.

5 In the application of this Act to Scotland—

(1) references to the forbidding of a certificate shall not apply

(2) a reference to a caveat shall be construed as a reference to an objection and the provisions respecting the entry of a caveat on frivolous grounds shall not apply

(3) the expressions Registrar General and registrar mean respectively the Registrar General of births, deaths and marriages in Scotland and the registrar of births, deaths, and marriages for a parish or district under the Registration of Births, Deaths, and Marriages (Scotland) Act 1854 and the Acts amending that Act

(4) paragraph (a) of sub-section one of section two shall be read as if the following words were inserted after the word solemnised, namely

17 & 18 Vic.  
c. 80.

or to any registrar law agent, or other person whom he desires to draw up any declaration of irregular marriage between him and a British subject and paragraph (b) of the same sub-section shall be read as if the following words were inserted after the word solemnised namely or to aid in effecting the said irregular marriage

(5) the duly appointed minister of a synagogue shall be substituted in sub-section (3) of section two for the secretary of the synagogue or deputy as described in that sub-section

Application  
to Ireland.

6 In the application of this Act to Ireland the expressions Registrar General and registrar mean respectively the Registrar General and registrar within the meaning of the Marriages (Ireland) Act, 1844

Short title.

7 This Act may be cited as the Marriage with Foreigners Act 1906

## SCHEDULE.

## PART I.

*Provisions Applicable except in Scotland.*

## A.—CONDITIONS.

1. The applicant shall sign a notice stating the name, surname, profession, condition, nationality, and residence of each of the parties to the marriage, and whether each of the parties is or is not a minor

2. The applicant shall at the time of giving the notice make and subscribe in a book to be kept by the registrar or officer for the purpose, an oath—

(a) that the applicant believes that there is no impediment to the marriage by reason of kindred or alliance, or otherwise, and

(b) that the applicant has for three weeks immediately preceding had his usual residence within the district of the registrar or officer; and

(c) if the applicant, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or that there is no person having authority to give that consent, as the case may be.

3. The registrar or officer shall file every such notice and keep it with the archives of his office, and shall forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office a copy of every such notice, and shall keep it so posted up for at least twenty-one days

4. The book in which the notice is entered, and the copy posted up, shall be open at all reasonable times without fee to the inspection of any person.

## B—PROVISIONS AS TO FORBIDDING CERTIFICATE, AND AS TO CAVEATS.

5. Any person whose consent is required by law to marriages solemnised in England may forbid the certificate by writing the word “forbidden” opposite to the entry of the application in the book of notices, and by subscribing thereto his name and residence and the character by reason of which he is authorised to forbid the certificate

6. (a) Any person may enter with the registrar or officer a caveat against the granting of the certificate signed by him or in his behalf and stating his residence and the grounds of his objection

(b) The registrar or officer shall examine into the matter of the caveat and decide whether it ought to obstruct the giving of the certificate or not, but he may if he thinks fit refer the matter to the Registrar General to decide. If the registrar or officer decides the question himself, and decides that the caveat ought to obstruct the granting of the certificate, the applicant

for the certificate may appeal to the Registrar General in manner provided by regulations made under this Act

(c) The caveat shall cease to operate—

(i) if withdrawn by the persons entering it, or

(ii) if it is decided by the registrar or officer or by the Registrar General on appeal that it ought not to obstruct the giving of the certificate

## PART II

### *Provisions Applicable in Scotland*

#### A—CONDITIONS

1 The applicant shall give a notice to the registrar of the parish or district in which he shall have resided for a period of not less than fifteen clear days previous to the giving thereof. Such notice shall be in the form as nearly as may be set forth in Schedule A to the Marriage Notice (Scotland) Act, 1878, <sup>41 & 42</sup> but shall state, in addition to the particulars therein set out, the nationality <sup>Act, c. 43.</sup> of the parties to the intended marriage

2 On the receipt of a notice of an intended marriage the registrar being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in the Marriage Notice Book kept in terms of the Marriage Notice (Scotland) Act 1878 and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B annexed to the said last-mentioned Act, but stating in addition to the particulars therein set out, the nationality of the parties to the intended marriage and shall keep the same so posted or put up for seven consecutive days thereafter

#### B—PROVISIONS AS TO OBJECTIONS

3 (a) Any person may enter with the registrar an objection against the granting of the certificate signed by him or on his behalf, and stating his residence and the grounds of his objection

(b) The registrar shall refer any objection to the Registrar General, who shall decide whether it ought to obstruct the granting of the certificate or not, and shall instruct the registrar accordingly and the instructions so given shall be carried out by the registrar

(c) The objection shall cease to operate—

(i) if withdrawn by the person entering it or

(ii) if it is decided by the Registrar General that it ought not to obstruct the granting of the certificate

THE MERCHANT SHIPPING ACT, 1906.

(6 Edw. 7, c. 48.)

*An Act to amend the Merchant Shipping Acts, 1894 to 1900.*

[21st December, 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, add by the authority of the same, as follows :

PART I.

*Safety.*

1. Sections four hundred and thirty-seven to four hundred and forty-three of the principal Act (which relate to load-line), except sub-sections (3) and (4) of section four hundred and forty, shall, after the appointed day, apply to all foreign ships while they are within any port in the United Kingdom, as they apply to British ships, without prejudice—

(a) to the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under section seven hundred and thirty-four of the principal Act, and

(b) to any direction of His Majesty in Council given under section four hundred and forty-five of the principal Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the principal Act

2. Section four hundred and sixty-two of the principal Act (which relates to the detention of foreign ships) —

(1) shall apply in the case of a ship which is unsafe by reason of the defective condition of her hull, equipments, or machinery, and accordingly that section shall be construed as if the words " by reason of the defective condition of her hull, equipments, or machinery, or " were inserted before the words " by reason of overloading or improper loading ", and

(2) shall apply with respect to any foreign ships being at any port in the United Kingdom, whether those ships take on board any cargo at that port or not

3. (1) After the first day of October one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom

(2) If, after the first day of October one thousand nine hundred and seven,

a foreign ship laden with grain cargo arrives at any port in the United Kingdom having the grain cargo so loaded that the master of the ship if the ship were a British ship would be liable to a penalty under the provisions of Part V of the principal Act relating to the carriage of grain the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds.

(3) After the first day of October one thousand nine hundred and seven section four hundred and fifty five of the principal Act shall apply to a foreign ship laden with grain which discharges all or any part of her cargo at any port in the United Kingdom so long as the ship is within a port in the United Kingdom.

(4) The provisions of section four hundred and fifty four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly

4. Sections four hundred and twenty-seven to four hundred and thirty one of the principal Act relating to life-saving appliances shall, after the appointed day apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V of the principal Act on proof that those provisions are complied with in the case of that ship

5 For the purposes of this part of this Act the appointed day shall be the first day of January nineteen hundred and nine or such other day not being more than twelve months later as the Board of Trade may appoint and different days may be appointed for different provisions of this Part of this Act, and for different foreign countries

6 Nothing in the foregoing provisions of this Part of this Act shall affect any foreign ship not bound to a port of the United Kingdom which comes into any port of the United Kingdom for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal.

7 The exemption of ships under eighty tons register employed solely in the coasting trade under sections four hundred and thirty seven and four hundred and thirty-eight of the principal Act (which relate to the marking of deck lines and load lines) shall cease so far as respects steamships

Provided that the Board of Trade may except from the provisions of this section any class of steamships, so long as they do not carry cargo and the provisions of this section shall not apply to any steamship belonging to any class so excepted

8 (1) Section four hundred and forty of the principal Act (which relates to the time for marking load lines) shall apply to all British foreign-going

Power to  
apply rules  
as to life-  
saving  
appliances to  
foreign ships  
in certain  
cases.

Appointed  
day

Coasting  
ships coming  
in under  
trade of  
coasting  
trade.

Coasting  
steamships  
not to be  
exempt from  
load line  
provisions.

Extension of  
provisions  
as to the

ships, and, so far as it is applied by this Act to foreign ships, to all foreign <sup>time of</sup> foreign-going ships, whether the owner is required to enter the ship outwards <sup>marking</sup> or not. <sup>load-line</sup>

(2) In the case of a ship which the owner is not required to enter outwards—

(a) the disc indicating the load-line shall be marked before clearance for the ship is demanded,

(b) the master shall prepare a statement similar to that required to be inserted in the form of entry under sub-section (2) of the said section four hundred and forty, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log-book, and sub-sections (3) and (4) of that section shall apply accordingly,

(c) the master shall deliver a copy of the statement to the officer of customs from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered

(3) Where the certificate referred to in sub-section (4) of section four hundred and forty-three of the principal Act (which relates to regulations as to load-line) is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect

(4) For the purpose of providing for an alteration of marks during a voyage, sub-section (5) of section four hundred and forty of the principal Act shall be read as if the words “or, if the mark has been altered abroad in accordance with regulations made by the Board of Trade for the purpose, marked with the mark as so altered” were added after the words “so marked,” and sub-section (2) of section four hundred and forty-three of the principal Act shall be read as if the purposes for which regulations may be made under that section included provision for the alteration of marks on ships abroad

9. (1) The master of every British ship shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book, cause <sup>Entry in log-book of boat drill, etc</sup> a record to be kept, of every occasion on which boat drill is practised on board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use

(2) The master shall, if and when required by any officer of the Board of Trade, produce for inspection any record kept by him for the purposes of this section

(3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on summary conviction for each offence to a fine not exceeding ten pounds

10. (1) If a ship, British or foreign, arrives between the last day of <sup>Loading of</sup> October and the sixteenth day of April in any year at any port in the United <sup>timber</sup> Kingdom from any port out of the United Kingdom, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by

this section), the master of the ship and also the owner if he is privy to the offence shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section

(2) The conditions under which heavy wood goods may be carried as deck cargo are as follows —

- (a) that they must only be carried in covered spaces, and
- (b) that they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose and
- (c) that they must be loaded in accordance with regulations made by the Board of Trade with respect to the loading thereof.

(3) The conditions under which light wood goods may be carried as deck cargo are as follows —

- (a) Each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet and
- (b) The height above the deck to which the goods are carried must not exceed—

- (i) in the case of an uncovered space on a deck forming the top of a break, poop or other permanent closed in space on the upper deck, three feet above the top of that closed in space and

- (ii) in the case of an uncovered space not being a space forming the top of any permanent closed in space on the upper deck or a space forming the top of a covered space, the height of the main rail bulwark, or plating, or one-fourth of the inside breadth of the ship or seven feet whichever height is the least and

- (iii) in the case of a covered space, the full height of that space.

- (c) Regulations may be made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section, and those regulations must be complied with on the ship

(4) A master or owner shall not be liable to any fine under this section—

- (a) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak or of any other damage to the ship received or apprehended or

- (b) if he proves that the ship sailed from the port at which the goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom but was prevented from so arriving by stress of weather or circumstances beyond his control, or

(c) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(5) For the purposes of this section—

(a) the expression “heavy wood goods” means—

(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever, or

(ii) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; and

(b) the expression “light wood goods” means any deals, battens, or other light wood goods of any description, and

(c) the expression “deck cargo” means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship’s registered tonnage, and

(d) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods

(6) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any purpose other than the delivery of her cargo.

(7) This section shall come into operation on the passing of this Act.

11. Any offence for which a person is liable to a fine under sub-section (2) of section four hundred and fifty-two of the principal Act (which relates to the obligation to take precautions to prevent grain cargo from shifting) or under any provision of this Act which relates to the loading of grain cargoes on foreign ships may be prosecuted summarily, but the fine to which a person is liable for any such offence shall not, if the offence is prosecuted summarily, exceed a hundred pounds.

12. After the thirty-first day of December nineteen hundred and seven, the superintendent or other officer, before whom a seaman is engaged to be entered on board any British ship at any port in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall not allow a seaman to sign the agreement if, in his opinion, the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, but nothing in this section shall apply to any British subject or inhabitant of a British protectorate or to any lascar.

Provided that where a seaman has been allowed to sign an agreement after the date on which this section comes into force, and is discharged before a superintendent or other officer, the superintendent or officer shall note the



fact on his certificate of discharge in manner directed by the Board of Trade, and a superintendent or other officer shall not under this section refuse to allow a seaman who holds a certificate so noted to sign an agreement unless the superintendent or officer considers that there are special reasons for the refusal, and in that case he shall make a special report of the matter to the Board of Trade.

## PART II

### *Passenger and Emigrant Ships*

Inclusion of  
foreign  
steamships  
as passenger  
steamers.

13 The definition of 'passenger steamer' in section two hundred and sixty-seven of the principal Act shall be amended so as to include every foreign steamship (whether originally proceeding from a port in the United Kingdom or from a port out of the United Kingdom) which carries passengers to or from any place or between any places in the United Kingdom.

Definition of  
steerage  
passenger

14. The following paragraph shall be substituted for paragraph (3) of section two hundred and sixty-eight of the principal Act—

(3) The expression 'steerage passenger' means all passengers except cabin passengers and persons shall not be deemed cabin passengers unless —

- (a) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult and
- (b) the fare contracted to be paid by them amounts to at least the sum of twenty five pounds for the entire voyage or is in the proportion of at least sixty five shillings for every thousand miles of the length of the voyage and
- (c) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers.

Passengers  
landed or  
embarked by  
means of  
tenders.

15 Where a passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender she shall be deemed to be taking the passengers on board from or landing the passengers at the port from or to which the tender comes or goes and passengers conveyed in a tender to or from a ship from or to a place in the United Kingdom shall for the purposes of Part III of the principal Act and for the purposes of any returns to be made under the Merchant Shipping Acts be deemed to be passengers carried from or to a place in the United Kingdom.

Restriction  
as to the  
decks on  
which passen-  
gers may  
be carried.

16 (1) A ship shall not carry passengers whether cabin or steerage passengers on more than one deck below the water line

(2) If this section is not complied with in the case of any ship the Master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds

Regulations  
substituted  
for schedules  
10 11 12, 13

17 (1) The Board of Trade may prescribe regulations scales conditions and forms in substitution for those contained in the Tenth Eleventh Twelfth, Thirteenth and Fourteenth Schedules of the principal Act (which relate to

the number of persons carried on emigrant ships, the accommodation for and 14 of  
steerage passengers on emigrant ships, the provisions and water to be <sup>principal Act</sup>  
issued to steerage passengers on emigrant ships, the carriage of horses and  
cattle on emigrant ships, and the forms to be used under Part III of that Act)

(2) Any reference in the Merchant Shipping Acts or in the other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

18. (1) The master of every emigrant ship shall on request produce to any steerage passenger for his perusal a copy of the scale of provisions to which that person is entitled either in pursuance of the principal Act or under any conditions subject to which the Board of Trade have dispensed with that scale in pursuance of their powers under the Merchant Shipping Acts, and shall post up copies of the scale in at least two conspicuous places between the decks on which steerage passengers may be carried and shall keep them posted so long as any steerage passenger is entitled to remain in the ship

Copies of scale of provisions applicable to voyage to be produced to steerage passenger and posted up in ship

(2) The master shall be liable on summary conviction to a fine not exceeding forty shillings for every day during any part of which by his act or default copies of the extracts are not posted up, and shall, if he fails to produce a copy of the scale as required by this section to a steerage passenger, for each offence be liable on summary conviction to a fine not exceeding forty shillings.

(3) If any person displaces or defaces any copy of the scale posted under this section, he shall for each offence be liable on summary conviction to a fine not exceeding forty shillings

(4) The obligation of the master under this section shall be in addition to and not in derogation of any obligation he may be under in pursuance of section three hundred and sixty-one of the principal Act

19. For the purpose of adapting section three hundred and twenty-eight of the principal Act to any hour of sailing, the following paragraph shall be substituted for paragraph (1) of that section :—

Provision as to the time at which a steerage passenger is to be ready to embark.

“(1) The steerage passenger is at the place of embarkation before the hour appointed in his contract, or if no hour is appointed in the contract, before any hour fixed for the embarkation of which he has received not less than twenty-four hours’ notice, and ”

20. (1) The Board of Trade, on the application of the owner of any emigrant ship, may, by regulations made under this section, allow the master’s bond required under section three hundred and nine of the principal Act, to be given, subject to such conditions as may be prescribed, in the form of a continuing bond as respects that ship

Power to allow continuing master’s bond

(2) The Board of Trade may make regulations for the purpose of adapting the provisions of sections three hundred and nine and three hundred and ten of the principal Act to the case of a continuing bond, and for prescribing the conditions under which continuing bonds may be allowed in the case of any ship.

(3) Sub-section (3) of section three hundred and ten of the principal Act shall have effect with respect to every voyage of the ship during the continuance of the bond, and references to the arrival of the ship and the return of the ship shall be construed as references to the arrival of the ship and the return of the ship after any voyage so far as respects matters happening during or in connection with the voyage

Penalty on master or owner for non-compliance with provisions as to passenger steamers.

21 If the provisions of the Merchant Shipping Acts which require a passenger steamer to be surveyed and to have a passenger steamer's certificate are not complied with in the case of any such steamer the master or owner of the steamer shall without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried from or to any place in the United Kingdom and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer shall be liable to a like penalty for every passenger so taken on board or landed.

Overcrowding of passenger steamers.

22 If a passenger steamer has on board at any place a number of passengers which having regard to the time occasion and circumstances of the case is greater than the number allowed by the passenger steamer's certificate the owner or master of the steamer shall, for the purposes of section two hundred and eighty three of the principal Act be deemed to have received those passengers on board at that place

Sale of steerage passages.

23 The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let or is in anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea

Frauds in inducing or attempting to induce persons to engage passages.

24. The following section shall be substituted for section three hundred and fifty three of the principal Act —

If any person by any false representation fraud or false pretence induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding three months

## PART III

### *Seamen's Food*

Statutory scale of provisions for crew

25 (1) The master of every ship for which an agreement with the crew is required under the Merchant Shipping Acts shall if the agreement is made after the first day of June nineteen hundred and seven furnish provision to every member of the crew (who does not furnish his own provisions) in accordance with the scale set out in the First Schedule to this Act and for the purposes of section one hundred and ninety nine of the principal Act (which

provides for compensation in the case of short or bad provisions) every such member of the crew of the ship shall be deemed to have stipulated by his agreement for provisions in accordance with that scale.

(2) The power of the court to modify or refuse compensation under section one hundred and ninety-nine of the principal Act shall be extended to cases where a member of the crew claiming compensation, although he has not been supplied with the provisions actually required by the scale, has been supplied with provisions containing on the whole the same or a greater amount of wholesome nutriment in their place.

(3) If the master of a ship fails to furnish provisions in accordance with this section, and the court before which the case is tried consider that the failure was due to the neglect or default of the master, the master shall be liable on summary conviction, in addition to paying compensation under section one hundred and ninety-nine of the principal Act, to a fine not exceeding one hundred pounds

(4) His Majesty may by Order in Council vary or add to the First Schedule to this Act

(5) This section shall not apply in the case of lascars, or natives of India or others not accustomed to a European dietary, with whom an agreement is entered into providing an adequate scale of provisions suited to their needs and uses

26. (1) An inspecting officer appointed under section two hundred and six of the principal Act may inspect (either on board the ship or before shipment) any provisions or water intended for the use of the crew of any British ship which is going from any port in the United Kingdom and for which an agreement with the crew is required under the Merchant Shipping Acts (other than provisions provided by the crew themselves), and if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction :

Inspection  
of provisions  
and water

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable, and, if the master, owner, or agent of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section, if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any provisions or water not specified in the notice or without unnecessarily delaying the ship to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship or otherwise

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be liable on summary conviction to a fine not exceeding a hundred pounds, unless the court before which the case

(3) Sub-section (3) of section three hundred and ten of the principal Act shall have effect with respect to every voyage of the ship during the continuance of the bond and references to the arrival of the ship and the return of the ship shall be construed as references to the arrival of the ship and the return of the ship after any voyage so far as respects matters happening during or in connection with the voyage.

Penalty on master or owner for non-compliance with provisions as to passenger steamers.

21 If the provisions of the Merchant Shipping Acts which require a passenger steamer to be surveyed and to have a passenger steamer's certificate are not complied with in the case of any such steamer, the master or owner of the steamer shall without prejudice to any other remedy or penalty under the Merchant Shipping Acts be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried from or to any place in the United Kingdom and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer shall be liable to a like penalty for every passenger so taken on board or landed.

Overcrowding of passenger steamers.

22 If a passenger steamer has on board at any place a number of passengers which having regard to the time occasion, and circumstances of the case is greater than the number allowed by the passenger steamer's certificate the owner or master of the steamer shall for the purposes of section two hundred and eighty three of the principal Act, be deemed to have received those passengers on board at that place.

Sale of steerage passages.

23 The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let or is anywise concerned in the sale or letting of steerage passages from any place in Europe not within the Mediterranean Sea.

Frauds in inducing or attempting to induce persons to engage passengers.

24. The following section shall be substituted for section three hundred and fifty three of the principal Act —

If any person by any false representation fraud or false pretence induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding three months

### PART III

#### Seamen's Food

Statutory scale of provisions for crew

25. (1) The master of every ship for which an agreement with the crew is required under the Merchant Shipping Acts shall if the agreement is made after the first day of June nineteen hundred and seven furnish provision to every member of the crew (who does not furnish his own provisions) in accordance with the scale set out in the First Schedule to this Act and for the purposes of section one hundred and ninety nine of the principal Act (which

provides for compensation in the case of short or bad provisions) every such member of the crew of the ship shall be deemed to have stipulated by his agreement for provisions in accordance with that scale.

(2) The power of the court to modify or refuse compensation under section one hundred and ninety-nine of the principal Act shall be extended to cases where a member of the crew claiming compensation, although he has not been supplied with the provisions actually required by the scale, has been supplied with provisions containing on the whole the same or a greater amount of wholesome nutriment in their place.

(3) If the master of a ship fails to furnish provisions in accordance with this section, and the court before which the case is tried consider that the failure was due to the neglect or default of the master, the master shall be liable on summary conviction, in addition to paying compensation under section one hundred and ninety-nine of the principal Act, to a fine not exceeding one hundred pounds

(4) His Majesty may by Order in Council vary or add to the First Schedule to this Act

(5) This section shall not apply in the case of lascars, or natives of India or others not accustomed to a European dietary, with whom an agreement is entered into providing an adequate scale of provisions suited to their needs and uses

26. (1) An inspecting officer appointed under section two hundred and six of the principal Act may inspect (either on board the ship or before shipment) any provisions or water intended for the use of the crew of any British ship which is going from any port in the United Kingdom and for which an agreement with the crew is required under the Merchant Shipping Acts (other than provisions provided by the crew themselves), and if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction :

Inspection  
of provisions  
and water

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable, and, if the master, owner, or agent of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section, if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any provisions or water not specified in the notice or without unnecessarily delaying the ship to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship or otherwise

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be liable on summary conviction to a fine not exceeding a hundred pounds, unless the court before which the case

is tried think that the finding of the inspecting officer was not justified but if the master of the ship shows to the satisfaction of the court that the responsibility for the defects in the provisions or water rests either with the owner of the ship or any agent of the owner of the ship or with the person who has supplied the provisions or water that agent owner, or person shall be liable to conviction for the offence instead of the master and the master shall be exempt

(3) The master of the ship and any other person having charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of his inspection under this section and, if he refuses or fails to do so shall be liable for each offence on summary conviction to a fine not exceeding ten pounds

Certificated  
cooks for  
foreign-going  
ships.

27 (1) After the thirtieth day of June nineteen hundred and eight every British foreign-going ship of a thousand tons and upwards gross tonnage going to sea from any place in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive shall be provided with and carry a duly certificated cook who is able to prove one month's service at sea in some capacity

(2) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by the Board of Trade or by some school of cookery or other institution approved for the purpose by that Board, or is the holder of certificates of discharge showing at least two years service as cook previously to the said thirtieth day of June nineteen hundred and eight

(3) The cook shall be rated in the ship's articles as ship's cook, or in the case of ships of not more than two thousand tons gross tonnage or ships in which the crew or the majority of the crew provide their own provisions either as ship's cook or as cook and steward.

(4) In the case of an emigrant ship the ship's cook shall be in addition to the cook required by section three hundred and four of the principal Act.

(5) If the requirements of this section are not complied with in the case of any ship the master or owner of the ship shall if there is no sufficient reason for the failure to comply with the requirements for each offence be liable on summary conviction to a fine not exceeding twenty five pounds

#### PART IV

##### *Provisions as to Relief and Repatriation of Distressed Seamen and Seamen left behind Abroad*

Dealing  
with wages  
and effects  
of a seaman  
who is  
left behind.

28 (1) If a seaman belonging to any British ship is left behind out of the British Islands, the master of the ship shall subject to the provisions of this section—

(a) as soon as may be enter in the official log book a statement of the effects left on board by the seaman and of the amount due to the

seaman on account of wages at the time when he was left behind .  
and

(b) on the termination of the voyage during which the seaman was left behind furnish to the proper officer within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Board of Trade, one (in this section referred to as the delivery account) of the effects and wages, and the other (in this section referred to as the reimbursement account) of any expenses caused to the master or owner of the ship by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship, or any other conduct constituting an offence under section two hundred and twenty-one of the principal Act. The master shall, if required by the proper officer, furnish such vouchers as may be reasonably required to verify the accounts

(2) The master of the ship shall deliver to the proper officer the effects of the seaman as shown in the delivery account, and subject to any deductions allowed under this section, the amount due on account of wages as shown in that account, and the officer shall give to the master a receipt, in a form approved by the Board of Trade, for any effects or amount so delivered.

(3) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account which appear to the proper officer or, in case of an appeal under this section, to a court of summary jurisdiction to be properly chargeable and for that purpose the officer, or, if necessary, in the case of an appeal, the Board of Trade, shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account, and, so far as that amount is not sufficient, to be repaid to the master out of the effects

The proper officer, before allowing any sums to be deducted or repaid under this provision, may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship, either by statutory declaration or otherwise

Where the master of a ship whose voyage terminates in the United Kingdom is aggrieved by the decision of the proper officer as to the sums to be allowed as properly chargeable on his reimbursement account, and the amount in dispute exceeds ten pounds, he may appeal from the decision of the proper officer to a court of summary jurisdiction

(4) Where during the voyage of a ship two or more seamen have been left behind, the delivery and reimbursement accounts furnished as respects each seaman may at the option of the master of the ship be dealt with, as between him and the proper officer, collectively instead of individually, and in that case the master of the ship shall be entitled to be reimbursed out of the total amount of the wages and effects of the seamen left behind the total of the amounts allowed under this section as properly chargeable on the reimbursement accounts, and shall be required to deliver to the proper officer on



account of wages only the sum by which the total of the amounts shown on the delivery accounts to be due on account of wages exceeds the total of the amounts allowed as properly chargeable on the reimbursement accounts.

(5) The proper officer shall (subject to any repayment made under this section) remit the effects and any amount received by him on account of wages under this section, at such time and in such manner as the Board of Trade require, and shall render such accounts in respect thereof as the Board direct.

(6) In this section the expression effects includes the proceeds of any sale of the effects if these effects are sold under this section, and the effects shall be sold by the proper officer in such manner as he thinks fit when they are delivered to him, unless the Board of Trade direct to the contrary and, if not so sold, shall be sold by the Board as and when they think fit unless they are delivered to the seaman.

(7) The master shall be under no liability for any loss of effects or for any damage to the effects if he proves to the proper officer that the loss or damage occurred without his neglect or privity after the seaman left the ship

(8) The Board of Trade shall not be under any liability with respect to anything done under this section, except that if after the wages or effects of a seaman have been dealt with under this section any legal proceedings are taken in respect of those wages or effects or involving the forfeiture of those wages or effects or of any sum out of the wages by the seaman against the master or owner of the ship or by the master or owner of the ship against the seaman the Board shall, if notice is given to them of the proceedings and a reasonable opportunity afforded to them of appearing, comply with any order of the court made as respects the wages or effects, so far as they can do so out of the wages and effects remitted to them in respect of the voyage of the ship and, so far as those wages and effects are not required for reimbursing any expenses incurred by or on behalf of the Crown or incurred by the Government of a foreign country and repaid to that Government by or on behalf of the Crown, as expenses of a distressed seaman on behalf of the seaman.

The Board shall be entitled to appear and be heard in any such proceeding by any of their officers, and for the purpose of this section notice to any superintendent shall be deemed to be notice to the Board.

The Board may if and so far as they think fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under this section, although legal proceedings are not actually taken in respect thereof. Provided that they have given notice to the master or owner of the ship and the master or owner has not given written notice of objection within ten days of the notice being given.

For the purposes of this sub-section any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made or who claims reimbursement of expenses on behalf of any union or parish under

section one hundred and eighty-two of the principal Act, shall be treated as proceedings taken or a claim made by the seaman

(9) Any sums remitted under this section or arising from the sale of effects under this section shall be paid into the Exchequer, and any sums payable by the Board of Trade under this section shall be paid out of moneys provided by Parliament.

(10) If the master of a ship fails without reasonable cause to comply with this section, he shall (without prejudice to any other liability) for each offence be liable on summary conviction to a fine not exceeding twenty pounds, and, if he delivers a false account or makes a false statement or representation for the purposes of this section, he shall in respect of each offence be guilty of a misdemeanour.

(11) The proper officer for the purpose of this section shall be—

- (i) at a port in the United Kingdom, a superintendent ,
- (ii) at a port in a British possession, a superintendent, or, in the absence of any such superintendent, the chief officer of customs at or near the port ,
- (iii) at a port elsewhere, the consular officer at the port

(12) This section shall not apply in the case of an absent seaman—

- (a) where the master of the ship satisfies the proper officer that none of the effects of the seaman have to his knowledge been left on board the ship, and that he has paid all wages due to the seaman , or
- (b) where the amount of wages earned by the seaman (after taking into account any deductions made in respect of allotments or advances for which provision is made by the agreement with the crew) appears from the agreement to be less than five pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively , or
- (c) where the master of the ship satisfies the proper officer that the net amount due to the seaman on account of wages (after taking into account any deductions lawfully made in respect of allotments, advances, or otherwise) is less than three pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively , or
- (d) where the question of the forfeiture of the wages and effects of the seaman has been dealt with in legal proceedings lawfully instituted before the termination of the voyage, or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

29. The provisions of Part II of the principal Act relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom

voyage of which is  
 for forty-eight hours  
 these provisions shall

he may exercise under those provisions when a ship the  
 to terminate in the United Kingdom touches and remains for a seaman at any  
 at a port elsewhere than in the United Kingdom, and the country in which he  
 apply accordingly the agreement with

Sanction  
 required for  
 discharge of  
 seamen out of  
 the United  
 Kingdom.

30 (1) The master of a British ship shall not discharge for the purpose in  
 place out of the United Kingdom (except at a port in the country where the seaman  
 was shipped) unless he previously obtains endorsement on the  
 the crew the sanction of the proper authority as defined in this Part of this Act, but that sanction shall not be refused on grounds on which  
 is discharged on the termination of his service in the United Kingdom and for

(2) The authority to whom an application is made for any grant or refuse  
 section may and, if not a merchant, shall, examine into the case and be unreasonably  
 a seaman is to be discharged at a place out of the United Kingdom  
 that purpose may if he thinks fit, administer oaths, and if he thinks fit, in the  
 the sanction as he thinks just but such sanction shall not be a legal proceeding  
 withheld if no objection was obtained

(3) If the master of a ship fails to comply with this section  
 respect of each offence, be guilty of a misdemeanour and in a seaman at any place  
 for the offence it shall lie on the master to prove that the seaman in a certificate of  
 or could not be obtained or was unreasonably withheld. In the case of any

Certificate  
 of discharge  
 abroad.

31 Where the master of a British ship discharges a seaman and returns that certi-  
 out of the United Kingdom he shall give to that seaman a certificate of  
 discharge in a form approved by the Board of Trade, and if a British ship terminates  
 certificated officer whose certificate he has retained, shall the consent of the  
 certificate to him. If the master of

Repatriation  
 of seamen on  
 termination  
 of service  
 at foreign  
 port.

32 (1) Where the service of a seaman belonging to a British ship is required under this  
 at a port out of His Majesty's dominions otherwise than by a seaman is entitled  
 seaman to be discharged during the currency of the agreement, maintenance and  
 the ship shall, besides giving the certificate of discharge in a form as defined for  
 Part of this Act and besides paying the wages to which the seaman is entitled by the agreement with  
 make adequate provision in accordance with this Act for his repatriation of any pro-  
 for his return to a proper return port, and the proper authority for the purpose in this Part of this Act shall endorse upon the certificate of discharge  
 the crew of the ship which the seaman is leaving the port the proper return  
 vision so made

(2) If the master fails without reasonable cause, to pay due to him and  
 section, the expenses of maintenance and of the journey to a port where the seaman shall (unless  
 port,— otherwise) be borne upon the ship

- (a) if defrayed by the seaman shall be recoverable as wages recovered against the ship
- (b) if defrayed by the proper authority or by any other person the time being or  
 the seaman has been guilty of barratry) be a charge on the owner  
 to which the seaman belonged and may also be a charge on the person who was the owner  
 the person who is the owner of the ship for the time being where the ship has been lost  
 against the person who was the owner of the ship at the time of the loss, or where the ship

ferred to some person not being a British subject, either against the owner for the time being or against the person who was the owner of the ship at the time of the transfer, at the suit of the proper authority or other persons defraying the expenses, or, in case they have been allowed to the authority or person out of public money, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen

(3) This section shall not apply in the case of a foreign seaman who has been shipped at a port out of the United Kingdom and discharged at a port out of the United Kingdom

33. (1) Where a British ship is transferred or disposed of at any port out of His Majesty's dominions, any seaman belonging to that ship shall be discharged unless the seaman consents in writing in the presence of the proper authority as defined for the purpose in this Part of this Act to complete the voyage of the ship if continued

Discharge, etc., of seamen on change of ownership of ship at a foreign port.

(2) Where a seaman is so discharged, the provisions of this Part of this Act as to the certificate of discharge, and the return of the seaman to a proper return port, shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in the United Kingdom or not

34. (1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness (not being venereal disease, or an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages

Expenses of medical attendance in case of injury or illness

(2) If the master or a seaman is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner

(3) The expense of all medicines, surgical and medical advice, and attendance, given to a master or seaman whilst on board his ship shall be defrayed in like manner

(4) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman.

Recovery  
of expen-  
ses from  
owner

35 (1) If any of the expenses attendant on the illness hurt or injury of a seaman which are to be paid under the Merchant Shipping Acts by the master or owner are paid by any authority on behalf of the Crown or if any other expenses in respect of the illness, hurt or injury of any seaman whose wages are not accounted for under the Merchant Shipping Acts to that authority are so paid, those expenses shall be repaid to the authority by the master or owner of the ship

(2) If the expenses are not so repaid the amount thereof shall with costs be a charge upon the ship and be recoverable from the master or from the owner of the ship for the time being or where the ship has been lost from the person who was the owner of the ship at the time of the loss or where the ship has been transferred to some person not being a British subject either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.

(3) In any proceeding for such recovery a certificate of the facts signed by the said authority together with such vouchers (if any) as the case requires shall be sufficient proof that the said expenses were duly paid by that authority.

Certificate of  
proper autho-  
rity required  
where a  
seaman is  
left behind  
abroad.

36 (1) The master of a British ship shall not leave a seaman behind at any place out of the United Kingdom ashore or at sea (except where the seaman is discharged in accordance with the Merchant Shipping Acts) unless he previously obtains, endorsed on the agreement with the crew the certificate of the proper authority as defined for the purpose in this Part of this Act stating the cause of the seaman being left behind whether the cause be unfitness or inability to proceed to sea desertion, or disappearance or otherwise

(2) The authority to whom an application is made for a certificate under this section may and if not a merchant shall examine into the grounds on which a seaman is to be left behind, and for that purpose may if he thinks fit, administer oaths, and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.

(3) If the master of a ship fails to comply with this section he shall (without prejudice to his liability under any other provision of the Merchant Shipping Acts) be guilty in respect of each offence of a misdemeanour and in any legal proceeding for the offence it shall lie on the master to prove that the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld

Account of  
wages in case  
of seamen left  
behind on  
ground of  
unfitness  
or inability  
to proceed  
to sea.

37 (1) Where a master of a British ship leaves a seaman behind on shore in any place out of the United Kingdom on the ground of his unfitness or inability to proceed to sea he shall deliver to the person signing the required certificate of the proper authority a full and true account of the wages due to the seaman and if that person is a consular officer shall deliver the account in duplicate

(2) If a master fails without reasonable cause to deliver the account, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds, and, if he knowingly delivers a false account, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

38. (1) The master shall pay the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if he is left in a British possession to the seaman himself, and if he is left elsewhere to the British consular officer

Payment of wages of seaman left behind on ground of unfitness or inability to proceed to sea.

(2) Where payment is made to a British consular officer, that officer shall retain one duplicate of the account delivered to him, and, if satisfied with the account, endorse on the other duplicate a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination, if that port is in the United Kingdom, to the superintendent at that port, and, if that port is not in the United Kingdom, to the proper authority as defined for the purpose of this Part of this Act.

(3) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bills drawn on the owner of the ship, but if payment is made by bill—

(a) the person signing the required certificate of the proper authority shall certify by endorsement on the bill that the bill is drawn for seaman's wages, and shall also endorse on the agreement with the crew the amount for which the bill is drawn, and such further particulars as the Board of Trade require,

(b) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof, and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

(c) a bill purporting to be drawn and endorsed under this section shall, if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent, be admissible in evidence and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement

(4) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable on summary conviction, in addition to the payment of the wages, to a fine not exceeding ten pounds

39. Where the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea is so paid to a British consular officer, that officer shall deal with the sum so paid to him in the following manner, namely —

Application by British consular officer of payments on account of wages of seamen left behind

(1) If the seaman subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of

the sum any expenses incurred by him in respect of the maintenance of the seaman under the Merchant Shipping Acts, except such as the owner or master is by the Merchant Shipping Acts required to defray and shall pay the remainder to the seaman and deliver to him an account of the sums so received and expended on his behalf

- (2) If the seaman dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman and
- (3) If the seaman is sent to a proper return port at the public expense under the Merchant Shipping Acts, he shall account for the sum to the Board of Trade and the sum after deducting any expenses duly incurred in respect of the seaman except such expenses as the master or owner of the ship is required by the Merchant Shipping Acts to pay shall be dealt with as wages of the seaman.

Regulations  
as to relief  
and main-  
tenance of  
distressed  
seamen. }

40 The Board of Trade shall make regulations with respect to the relief, maintenance and return to a proper return port of shipwrecked seamen and of seamen found otherwise in distress in any place out of the United Kingdom, and may by those regulations (in this Act referred to as the distressed seamen regulations) make such conditions as they think fit with regard to that relief maintenance, and sending to a proper return port, and a seaman shall not have any right to be relieved maintained or sent to a proper return port, except in the cases and to the extent and on the conditions provided by those regulations.

Provisions  
for relief  
and main-  
tenance of  
distressed  
seamen.

41 (1) Where either—

- (a) any seamen, whether subjects of His Majesty or not are found in any place out of the United Kingdom and have been shipwrecked from any British ship or any of His Majesty's ships or by reason of having been discharged or left behind from any such ship in any place out of the United Kingdom, are in distress in that place or
- (b) any seamen, being subjects of His Majesty who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the government or to a subject or citizen of a foreign country are in distress in any place out of the United Kingdom,

the proper authority as defined for the purpose in this Part of this Act may and if not a merchant, shall in accordance with and on the conditions prescribed by the distressed seamen regulations, provide in accordance with this Act for the return of those seamen (who are in this Act included in the term distressed seamen) to a proper return port and also provide for their necessary clothing and their maintenance until their departure for such a port and in addition in the case of shipwrecked seamen for the repayment of any expenses incurred in their conveyance to port after their shipwreck and their maintenance while being so conveyed.

(2) The authority shall be paid in respect of the expenses incurred under this section on behalf of distressed seamen such sums as the Board of Trade may

allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as provided by the Part of this Act

42. (1) Where any expenses (other than excepted expenses as defined by this section) are incurred by or on behalf of the Crown, or are incurred by the government of a foreign country, and repaid to that government by or on behalf of the Crown, on account of a distressed seaman, either for his maintenance, necessary clothing, conveyance to a proper return port, or in case of death for his burial, or otherwise in accordance with this Act, those expenses (together with the wages, if any, due to the seaman) shall be a charge upon the ship, whether British or foreign, to which the distressed seaman belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman for service in the ship

Recovery of expenses of relief of distressed seamen

(2) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade, on behalf of the Crown, either by ordinary process of law or in the court and manner in which wages may be recovered by seamen

(3) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be *prima facie* evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown

(4) For the purpose of this section, excepted expenses are expenses incurred in cases where the certificate of the proper authority obtained on leaving a seaman behind states, or the Board of Trade are otherwise satisfied, that the cause of the seaman being left behind is desertion, or disappearance, or imprisonment for misconduct, or discharge from his ship by a naval court on the ground of misconduct, and expenses incurred on account of the return to a proper return port of a distressed seaman who has been discharged at the port at which he was shipped, or at some neighbouring port

43. A person belonging to a British ship shall not wrongfully force a seaman on shore and leave him behind or otherwise cause a seaman to be wrongfully left behind at any place, either on shore or at sea, in or out of His Majesty's dominions, and if he does so he shall in respect of each offence be guilty of a misdemeanour

Penalty for forcing seamen on shore

44. (1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted as follows (that is to say) —

Deduction from wages and payment to superintendents, etc., of fines,

(a) if the offender is discharged in the United Kingdom, and the offence, and the entry in the log-book required by the Merchant Shipping



Acts in respect thereof are proved to the satisfaction in the case of a foreign going ship of the superintendent before whom the offender is discharged, and in the case of a home-trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender

- (b) if the offender enters His Majesty's naval service or is discharged abroad, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters or of the proper authority by whose sanction he is discharged as the case may be the fine shall be deducted as aforesaid and an entry made in the official log book of the ship and signed by the officer or authority to whose satisfaction the offence is proved.

(2) Every fine so deducted shall be paid—

- (a) if the offender is discharged in the United Kingdom to the superintendent
- (b) if the offender enters His Majesty's naval service, on the return of the ship to its port of destination if that port is in the United Kingdom to the superintendent before whom the crew is discharged, or in the case of a home-trade ship to the superintendent at or nearest to the port at which the crew is discharged and if the port of destination is not in the United Kingdom to the proper authority as defined for the purpose of this Part of this Act
- (c) if the offender is discharged at any place out of the United Kingdom to the proper authority

(3) A proper authority shall remit any amounts received by them under this section at such times and in such manner and render such accounts in respect thereof as the Board of Trade require.

(4) If a master or owner fails without reasonable cause to pay any fine as required by this section he shall for each offence be liable on summary conviction to a fine not exceeding six times the amount of the fine not so paid.

(5) An act of misconduct for which any fine has been inflicted and paid by or deducted from the wages of the seaman shall not be otherwise punished under the Merchant Shipping Acts

45 For the purpose of this Part of this Act, either the port at which the seaman was shipped or a port in the country to which he belongs or some other port agreed to by the seaman in the case of a discharged seaman at the time of his discharge, shall be deemed to be a proper return port

Provided that in the case of a seaman belonging to a British possession who has been shipped and discharged out of the United Kingdom the proper officer may treat a port in the United Kingdom as a proper return port

F 46 (1) A seaman may be sent to a proper return port by any reasonable route either by sea or land, or partly by sea and partly by land.

Proper  
return ports.

Mode of  
providing  
for return

(2) Provision shall be made for the return of the seaman as to the whole of the route if it is by sea, or as to any part of the route which is by sea, by placing the seaman on board a British ship which is in want of men to make up its complement, or if that is not practicable, by providing the seaman with a passage in any ship, British or foreign, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with means to pay those expenses.

(3) Where the master of a ship is required under this Part of this Act to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage, or the expenses of his journey, or of providing the seaman with means to pay his passage or those expenses, deposit with the proper authority such sum as that authority consider sufficient to defray the expenses of the return of the seaman to a proper return port

(4) The Board of Trade may, by the distressed seamen regulations, make such provision as may be necessary for enabling the proper authority, and in the case of expenses required to be incurred in the United Kingdom any officer named for the purpose by the Board, to defray on behalf of the authority originally making arrangements for the return of a distressed seaman to a proper return port any expenses on account of that seaman which the authority originally acting in respect of him could defray, and any expenses so incurred shall for the purposes of this Part of this Act relating to distressed seamen be deemed to be expenses incurred on behalf of the distressed seaman

47. If any question arises as to what return port a seaman is to be sent to in any case, or as to the route by which he should be sent, that question shall be decided by the proper authority, and, in deciding any question under this provision, the authority shall have regard both to the convenience of the seaman and to the expense involved, and also, where that is the case, to the fact that a British ship which is in want of men to make up its complement is about to proceed to a proper return port.

48. (1) Where a distressed seaman is, for the purpose of his return to a proper return port, placed on board a British ship, the authority by whom the seaman is so placed shall endorse on the agreement with the crew of the ship the name of the seaman so placed on board, together with any particulars directed to be endorsed by the distressed seamen regulations

(2) The master of every British ship shall receive on board his ship, and afford a passage and maintenance to, all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather

(3) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the

number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace or any officer authorised to administer an oath, stating the number of days during which each distressed seaman has received maintenance and stating the full complement of his crew and the actual number of seamen employed on board his ship and every variation in that number whilst the distressed seamen received maintenance the master shall be entitled to be paid in respect to the maintenance and passage of every seaman so conveyed maintained and provided for by him exceeding the number (if any) wanted to make up the complement of his crew such sum per diem as the Board of Trade allow

(4) If any master of a British ship fails without reasonable cause to comply with this section in the case of any distressed seaman he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds 11

49 For the purposes of this Part of this Act unless the context otherwise requires —

Definitions  
of proper  
authority "  
and  
seamen."

(1) The expression 'proper authority' means—

(a) as respects a place out of His Majesty's dominions, the British consular officer or if there is no such officer in the place, any two British merchants resident at or near the place or if there is only one British merchant so resident that British merchant and

(b) as respects a place in a British possession—

(i) in relation to the discharge or leaving behind of seamen or the payment of fines a superintendent or in the absence of any such superintendent the chief officer of customs at or near the place and

(ii) in relation to distressed seamen the governor of the possession or any person acting under his authority and

(2) The expression 'seamen' includes not only seamen as defined by the principal Act, but also apprentices to the sea service

(3) The provisions of this Part of this Act shall for the purpose of sections two hundred and sixty to two hundred and sixty-six of the principal Act (which relate to the application of Part II of that Act) be construed as if they were contained in Part II of that Act

## PART V

### *Miscellaneous*

Ships names. 50 (1) The Board of Trade in conjunction with the Commissioners of Customs, may make regulations enabling the Board of Trade to refuse the registry of any ship by the name by which it is proposed to register that ship

if it is already the name of a registered British ship or a name so similar as to be calculated to deceive, and may by those regulations require notice to be given in such manner as may be directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register

(2) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Board of Trade, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be

51. (1) Where it appears to the Commissioners of Customs that there is any doubt as to the title of any ship registered as a British ship to be so registered, they may direct the registrar of the port of registry of the ship to require evidence to be given to his satisfaction that the ship is entitled to be registered as a British ship. Power to inquire into the title of a registered ship to be registered

(2) If within such time, not less than thirty days, as the Commissioners fix, satisfactory evidence of the title of the ship to be registered is not so given, the ship shall be subject to forfeiture under Part I of the principal Act

(3) In the application of section to a port in a British possession, the Governor of the British possession, and, in the application of this section to foreign ports of registry, the Board of Trade, shall be substituted for the Commissioners of Customs

52. (1) Sub-section (1) of section twenty-one of the principal Act shall be read as if the following words were inserted at the end of that sub-section, "and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein" Provisions with respect to mortgages of ships sold to foreigners

(2) It is hereby declared that where the registry of a ship is considered as closed under sub-section (1) of section twenty-one of the principal Act as amended by this section, or under sub-section (10) of section forty-four of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any court in His Majesty's dominions which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court, to the effect of that judgment

53. The following sub-section shall be substituted for sub-section (2) of section forty-eight of the principal Act — Amendment of 57 & 58 Vict., c 60, s 48

"(2) If default is made in registering a new ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be liable on summary conviction to a fine not exceeding one hundred pounds,

and in addition to a fine not exceeding five pounds for every day during which the offence continues after conviction.'

Deduction of  
spaces used  
for water  
ballast in  
ascertaining  
tonnage

54. (1) For the purpose of enabling spaces used for water ballast to be deducted in ascertaining the register tonnage of a ship section seventy nine of the principal Act shall be read as if the words—

(iv) any space (other than a double bottom) adapted only for water ballast and

were added at the end of paragraph (a) of sub-section (1) of that section.

(2) For the purpose of obtaining the benefit of a deduction under this section the owner of any existing ship who claims to be entitled to the deduction may apply to the Board of Trade to have the necessary remeasurements of his ship made and the Board of Trade on the payment of such fee not exceeding in any case one-fifth of the corresponding maximum fee fixed by the Third Schedule to the principal Act as they may authorise shall direct those measurements to be made and the number denoting the register tonnage shall be altered accordingly

55 Sub-section (1) of section eighty four of the principal Act shall be read as if the following words were added thereto namely and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage on account of being occupied by seamen or apprentices and appropriated to their use shall be deemed to have been certified under this Act, and to comply with the provisions of this Act which apply to such a space in the case of British ships unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a British ship and if any question arises whether the construction and the equipment of the ship so come up to the required standard a surveyor of ships may inspect the ship for purpose of determining whether such a certificate should be given by him or not

56 The following paragraph shall be substituted for paragraph (b) of sub section (1) of section ninety two of the principal Act (which relates to the certificates of competency to be held by officers of ships) —

(b) If the ship is of one hundred tons burden or upwards with at least one officer besides the master holding a certificate not lower than that of—

(i) mate in the case of a home trade passenger ship

(ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden and

(iii) only mate in the case of any other foreign-going ship

57 In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages the court may if it appears to them that the payment of the sum due has been delayed other wise than owing to the act or default of the master or to any reasonable dispute as to liability or to any other cause not being the wrongful act or default

Crew space  
of foreign  
ships.

Second mate  
certificates  
allowed in  
small foreign-  
going sailing  
ships.

Powers of  
court in cases  
of unreason-  
able delay  
in paying  
masters  
wages

of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account

58. (1) For the purpose of reducing the period of service required as a <sup>Title to be</sup> qualification for the rating of A B, the period of "three years before the <sup>rated as A B.</sup> mast" shall be substituted for the period of "four years before the mast," and "two years of that employment" shall be substituted for "three years of that employment," and "two or more years' sea service" shall be substituted for "three or more years' sea service," in section one hundred and twenty-six of the principal Act

(2) Any superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A B on the agreement with the crew unless the seaman gives such satisfactory proof as is required by section one hundred and twenty-six of the principal Act of his title to be so rated, and if any seaman, for the purpose of obtaining a rating as A B, makes any false statement or false representation, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds

59. (1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official log-book a statement of the <sup>Notice of</sup> disrating, <sup>disrating of</sup> and furnish the seaman with a copy of the entry, and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished <sup>seaman</sup>

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections one hundred and thirty-two and one hundred and thirty-three of the principal Act (which relate to the delivery of the account of wages and the allowance of deductions therefrom)

60. Notwithstanding anything in section one hundred and thirty-six of the principal Act, a seaman may except from the release signed by him under that section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall sub-section (4) of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand <sup>Power to</sup> <sup>except claims</sup> <sup>from release</sup> <sup>on settlement</sup> <sup>of wages</sup>

61. In order to give effect to the provisions of section one hundred and forty-one of the principal Act enabling a seaman to require a stipulation for the allotment of his wages by means of an allotment note, every superintendent or other officer before whom the seaman is engaged shall, after the seaman has signed the agreement, inquire of the seaman whether he requires such a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master <sup>Obligation to</sup> <sup>offer</sup> <sup>allotment</sup> <sup>notes</sup>

and in addition to a fine not exceeding five pounds for every day during which the offence continues after conviction "

Deduction of  
spaces used  
for water  
ballast in  
ascertaining  
tonnage

54. (1) For the purpose of enabling spaces used for water ballast to be deducted in ascertaining the register tonnage of a ship section seventy nine of the principal Act shall be read as if the words—

(iv) any space (other than a double bottom) adapted only for water ballast and

were added at the end of paragraph (a) of sub-section (1) of that section.

(2) For the purpose of obtaining the benefit of a deduction under this section the owner of any existing ship who claims to be entitled to the deduction may apply to the Board of Trade to have the necessary remeasurements of his ship made and the Board of Trade on the payment of such fee not exceeding in any case one-fifth of the corresponding maximum fee fixed by the Third Schedule to the principal Act as they may authorise shall direct those measurements to be made and the number denoting the register tonnage shall be altered accordingly

55 Sub-section (1) of section eighty four of the principal Act shall be read as if the following words were added thereto namely and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage on account of being occupied by seamen or apprentices and appropriated to their use shall be deemed to have been certified under this Act, and to comply with the provisions of this Act which apply to such a space in the case of British ships unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a British ship and if any question arises whether the construction and the equipment of the ship so come up to the required standard a surveyor of ships may inspect the ship for purpose of determining whether such a certificate should be given by him or not

56 The following paragraph shall be substituted for paragraph (b) of sub section (1) of section ninety two of the principal Act (which relates to the certificates of competency to be held by officers of ships) —

(b) If the ship is of one hundred tons burden or upwards with at least one officer besides the master holding a certificate not lower than that of—

(i) mate in the case of a home trade passenger ship

(ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden and

(iii) only mate in the case of any other foreign-going ship "

57 In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages the court may if it appears to them that the payment of the sum due has been delayed other wise than owing to the act or default of the master or to any reasonable dispute as to liability or to any other cause not being the wrongful act or default

Crew space  
of foreign  
ships.

Second mate  
certificates  
allowed in  
small foreign  
going sailing  
ships.

Powers of  
court in case  
of unreason-  
able delay  
in paying  
masters  
wages

of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account

58. (1) For the purpose of reducing the period of service required as a qualification for the rating of A B, the period of "three years before the mast" shall be substituted for the period of "four years before the mast," and "two years of that employment" shall be substituted for "three years of that employment," and "two or more years' sea service" shall be substituted for "three or more years' sea service," in section one hundred and twenty-six of the principal Act

(2) Any superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A B on the agreement with the crew unless the seaman gives such satisfactory proof as is required by section one hundred and twenty-six of the principal Act of his title to be so rated, and if any seaman, for the purpose of obtaining a rating as A B, makes any false statement or false representation, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds

59. (1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official log-book a statement of the disrating, and furnish the seaman with a copy of the entry, and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections one hundred and thirty-two and one hundred and thirty-three of the principal Act (which relate to the delivery of the account of wages and the allowance of deductions therefrom)

60. Notwithstanding anything in section one hundred and thirty-six of the principal Act, a seaman may except from the release signed by him under that section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall sub-section (4) of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand

61. In order to give effect to the provisions of section one hundred and forty-one of the principal Act enabling a seaman to require a stipulation for the allotment of his wages by means of an allotment note, every superintendent or other officer before whom the seaman is engaged shall, after the seaman has signed the agreement, inquire of the seaman whether he requires such a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master



Time for  
payment of  
allotment  
note

182 A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew and shall be paid at the expiration of every subsequent month after the first month and shall be paid only in respect of wages earned before the date of payment

Master to  
give facilities  
to seamen for  
remitting  
wages.

63 (1) Where the balance of wages due to a seaman is more than ten pounds, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of ten pounds, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship

(2) If the master of a ship fails to comply with the provisions of this section he shall be liable on summary conviction for each offence to a fine not exceeding five pounds

Increase of  
crew space.

64. (1) Sub-section (1) of section two hundred and ten of the principal Act (which provides for the space required for each seaman or apprentice in any place in a British ship occupied by seamen or apprentices and appropriated to their use) shall be construed as if a space of not less than one hundred and twenty cubic feet and of not less than fifteen superficial feet measured on the deck or floor of that place were substituted for a space of not less than seventy two cubic feet and of not less than twelve superficial feet measured on the deck or floor of that place

(2) In estimating the space available for the proper accommodation of seamen and apprentices there may be taken into account the space occupied by any mess rooms bath rooms or washing places appropriated exclusively to the use of those seamen and apprentices so however that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy two cubic feet and twelve superficial feet for each seaman or apprentice

(3) Nothing in this section shall affect—

(a) any ship registered before the passing of this Act or which was in course of construction on the first day of January nineteen hundred and seven or

(b) any ship of not more than three hundred tons burden or

(c) any fishing boat within the meaning of Part IV of the principal Act

or require any additional space to be given in the case of places occupied solely by lascars and appropriated to their use

Provisions as  
to failure to  
join ship and  
desertion.

65 (1) Where a seaman who has been lawfully engaged and has received under his agreement an advance note after negotiating his advance note, lawfully or through misconduct fails to join his ship or deserts therefrom

before the note becomes payable, he shall, on summary conviction, be liable to a fine not exceeding five pounds, or, at the discretion of the court, to imprisonment for not exceeding twenty-one days, but nothing in this section shall take away or limit any remedy by action or by summary procedure before justices which any person would otherwise have in respect of the negotiation of the advance note, or which an owner or master would otherwise have for breach of contract

(2) Where it is shown to the satisfaction of the superintendent that a seaman lawfully engaged has wilfully or through misconduct failed to join his ship, the superintendent shall report the matter to the Board of Trade, and that Board may direct that any of the seaman's certificates of discharge shall be withheld for such period as they may think fit, and, while a seaman's certificate of discharge is so withheld, the Registrar-General of Shipping and Seamen, and any other person having the custody of the necessary documents may, notwithstanding anything in the Merchant Shipping Acts, refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character

66. Where, on any investigation or inquiry under the provisions of Part VI of the principal Act, the court find that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for re-hearing has not been made under section four hundred and seventy-five or section four hundred and seventy-eight of the principal Act, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under those sections against a decision with respect to the cancelling or suspension of his certificate

Appeal from decision on investigation as to shipping casualties.

67. (1) The powers of a naval court under section four hundred and eighty-three of the principal Act (which deals with those powers) shall include a power to send an offender sentenced by the court to imprisonment either to the United Kingdom or to any British possession to which His Majesty by Order in Council has applied this section, as appears to them most convenient for the purpose of being imprisoned, and the court may take the same steps, and for that purpose shall have the same powers, as respects the orders which may be given to masters of ships as a consular officer has for the purpose of sending an offender for trial under section six hundred and eighty-nine of the principal Act, and sub-sections (2), (4), and (5) of that section shall apply with the necessary modification

Power of naval court to send a person sentenced to imprisonment home to undergo sentence

(2) Any master of a ship to whose charge an offender is committed under this section shall, on his ship's arrival in the United Kingdom or in a British possession, as the case may be, give the offender into the custody of some police officer or constable, and the offender shall be dealt with as if he had been convicted and sentenced to imprisonment by a court of competent juris-

dition in the United Kingdom or in the British possession as the case may be

(3) His Majesty may by Order in Council apply this section to any British possession the Legislature of which consents to that application.

Appeal from  
naval courts.

68 (1) Any person aggrieved by an order of a naval court ordering the forfeiture of wages, or by a decision of a naval court of a question as to wages, fines or forfeitures may appeal to the High Court in such manner and subject to such conditions and provisions as may be provided by rules of court and on any such appeal the High Court may confirm, quash or vary the order or decision appealed against as they think just

(2) Sub-section (2) of section four hundred and eighty three of the principal Act shall not have effect with respect to any order of a naval court which is quashed on an appeal under this section and where an order of a naval court is varied on appeal shall apply as if the order as so varied were the order originally made by the naval court

Calculation  
of tonnage of  
steamship  
for the pur-  
pose of  
limitation  
of liability

69 For the purpose of the limitation under the Merchant Shipping Acts of the liability of owners of ships docks, or canals and of harbour authorities and conservancy authorities the tonnage of a steamship shall be her registered tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage and the words registered tonnage with the addition of any engine room space deducted for the purpose of ascertaining that tonnage shall accordingly be substituted in paragraph (a) of sub-section (2) of section five hundred and three of the principal Act for gross tonnage without deduction on account of engine-room

Liability of  
shipowners as  
respects ships  
launched but  
not register-  
ed. 61 & 62  
Vict. c. 14.

70 The proviso to section one of the Merchant Shipping (Liability of Shipowners) Act 1898, shall cease to have effect but that section shall not be construed so as to extend section five hundred and two of the principal Act to the owners of any ship or any share therein after the ship has become a foreign ship

Liability of  
charterer

71 Sections five hundred and two to five hundred and nine of the principal Act shall be read so that the word owner shall be deemed to include any charterer to whom the ship is demised.

Delivery of  
wreck to  
receiver

72 Section five hundred and eighteen of the principal Act shall apply to wreck found or taken possession of outside the limits of the United Kingdom and brought within the limits of the United Kingdom as it applies to wreck found or taken possession of within the limits of the United Kingdom.

Alien  
pilotage  
certificates.

73 After the date of the passing of this Act a pilotage certificate shall not be granted to the master or mate of a ship unless he is a British subject but nothing in this section shall affect the renewal of a pilotage certificate granted before the first day of June nineteen hundred and six to a master or mate who is not a British subject

A pilotage certificate includes not only a certificate which may be granted under sections five hundred and ninety nine and six hundred of the principal Act but also the certificate which may be granted under section six hundred and four of that Act

74. (1) In the United Kingdom, all superintendents, deputies, clerks, and servants in mercantile marine offices shall be appointed and removable by the Board of Trade, and all superintendents, whether appointed before or after the commencement of this Act, shall, in carrying into effect the provisions of the Merchant Shipping Acts, be subject to the control of, and obey directions given by, the Board of Trade, except as respects any matter which, under those Acts or any Order in Council made thereunder, is subject to the control of any other Government Department, and the power of removal by this section conferred on the Board of Trade shall be exerciseable by the Board as respects superintendents, deputies, clerks, and servants appointed before the commencement of this Act

(2) In sub-section (1) of section two hundred and forty-four of the principal Act the words "such of the provisions of this Act as relate to their powers and duties" shall be substituted for the words "this Act"

75. (1) Any person appointed to be a surveyor of ships under section seven hundred and twenty-four of the principal Act may be appointed either as a ship surveyor or as an engineer surveyor, or as both, and any reference in that section or in any other section of the principal Act to a shipwright surveyor shall be construed as a reference to a ship surveyor

Substitution  
of ship  
surveyor  
for ship-  
wright  
surveyor.

(2) Any surveyor of ships who before the passing of this Act has been appointed as a shipwright surveyor, or both as a shipwright surveyor and an engineer surveyor, shall be deemed to have been appointed as a ship surveyor, or both as a ship surveyor and an engineer surveyor, as the case may be.

(3) The surveys required to be made under section two hundred and seventy-two of the principal Act by a ship surveyor and by an engineer surveyor may be made by the same person if that person has been appointed both as a ship surveyor and as an engineer surveyor, and that section shall be construed accordingly

(4) The Board of Trade may, under sub-section (2) of section seven hundred and twenty-four of the principal Act, in addition to appointing a surveyor-general of ships, appoint such other principal officers in connection with the survey of ships and other matters incidental thereto as the Board think fit

76. (1) The master of every ship, whether a British or foreign ship, which carries any passenger to a place in the United Kingdom from any place out of the United Kingdom, or from any place in the United Kingdom to any place out of the United Kingdom, shall furnish to such person and in such manner as the Board of Trade direct a return giving the total number of any passengers so carried, distinguishing, if so directed by the Board, the total number of any class of passengers so carried, and giving, if the Board of Trade so direct, such particulars with respect to passengers as may be for the time being required by the Board

Return to  
be furnished  
by masters  
of ships as to  
passengers

(2) Any passenger shall furnish the master of the ship with any information required by him for the purpose of the return

(3) If the master of a ship fails to make a return as required by this section, or makes a false return, and if any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section or gives any false information for the purpose, the master or passenger shall be liable for each offence on summary conviction to a fine not exceeding twenty pounds

Return as to  
cattleman  
brought to  
the United  
Kingdom.

77 (1) The master of every ship which carries any cattlemen to any port in the United Kingdom from any port out of the United Kingdom shall furnish to such person and in such manner as a Secretary of State directs a return giving such particulars with respect to any cattlemen so carried as may be required for the time being by order of the Secretary of State and every such cattleman shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section or makes a false return, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and if any cattleman refuses to give information required by the master for the purpose of the return under this section, or gives any false information for the purpose he shall be liable on summary conviction to imprisonment with hard labour for a term not exceeding three months.

(3) For the purpose of this section the expression cattleman means any person who is engaged or employed to attend during the voyage of the ship on any cattle carried thereon as cargo

pending  
return of  
Board of  
Trade

78 (1) The Board of Trade may if they think fit and upon such conditions (if any) as they think fit to impose exempt any ship from any specified requirement contained in, or prescribed in pursuance of the Merchant Shipping Acts, or dispense with the observance of any such requirement in the case of any ship if they are satisfied that that requirement has been substantially complied with in the case of that ship or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as or more effective than actual compliance with the requirement

(2) The Board of Trade shall annually lay before both Houses of Parliament a special report stating the cases in which they have exercised their powers under this section during the preceding year and the grounds upon which they have acted in each case

Power to  
appoint  
advisory  
committees.

79 (1) The Board of Trade may if they think fit, appoint committees for the purpose of advising them when considering the making or alteration of any rules, regulations or scales for the purpose of the Merchant Shipping Acts consisting of such persons as they may appoint representing the interests principally affected, or having special knowledge of the subject matter

(3) There shall be paid to the members of any such committee out of moneys provided by the Parliament such travelling and other allowances as the Board of Trade fix with the consent of the Treasury

(3) Committees may be appointed under this section to advise the Board of Trade specially as regards any special rules, regulations, or scales, or generally as regards any class or classes of rules, regulations, or scales which the Board may assign to them.

80. (1) His Majesty may by Order in Council make regulations with respect to the manner in which Government ships may be registered as British ships for the purpose of the Merchant Shipping Acts, and those Acts, subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, shall apply to Government ships registered in accordance with those regulations as if they were registered in manner provided by those Acts

Power to register Government ships under the Merchant Shipping Acts.

(2) Nothing in this Act shall affect the powers of the Legislature of any British possession to regulate any Government ships under the control of the Government of that possession.

(3) In this section the expression "Government ships" means ships not forming part of His Majesty's Navy which belong to His Majesty, or are held by any person on behalf of or for the benefit of the Crown, and for that reason cannot be registered under the principal Act

81. (1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV of the principal Act shall be construed accordingly.

Application of certain sections of principal Act to Scotland

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV of the principal Act, be deemed to be portions or provisions of Part IV referred to in section three hundred and sixty-nine of the principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the substitution of the *Edinburgh Gazette* for the *London Gazette*) and Part IV shall be construed accordingly. Provided that any Order to be published in the *Edinburgh Gazette* under that section shall be subject to the consent of the Secretary for Scotland

82. The principal Act in its application to Scotland is amended as follows —

Amendment of procedure in Scotland

(1) Sub-section one of section two hundred and thirty-seven of the principal Act is hereby amended by the addition thereto of the following words "And such person found on board without consent as aforesaid may be taken before any sheriff or justice of the peace without warrant, and such sheriff or justice may summarily hear the case and, on proof of the offence, convict such offender as aforesaid"

- (2) The provisions of section six hundred and eighty of the principal Act shall apply to Scotland.
- (3) Section seven hundred and two of the principal Act shall be amended by the deletion of the words "by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and every offence referred to in section seven hundred and two of the principal Act may be prosecuted by indictment"
- (4) The words "or misdemeanours" in section seven hundred and three of the principal Act are hereby repealed.

Amendment  
of section  
744 of 57 &  
58 Vict. c.  
60 as respects  
Scottish  
whalers.

83 Section seven hundred and forty four of the principal Act (which relates to the application of that Act to certain fishing vessels) shall not apply to ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland and accordingly there shall be added at the end of that section the words "and of ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland"

## PART VI

### *Supplemental*

Construction  
of references  
to Merchant  
Shipping  
Acts.  
57 & 58 Vict.,  
c. 60.

84. (1) In this Act the expression "principal Act" means the Merchant Shipping Act 1894 and the expression "Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1900 and this Act

(2) Any reference in this Act to any provision of the Merchant Shipping Acts 1894 to 1900 which has been amended by any subsequent Act or is amended by this Act, shall be construed as a reference to the provision as so amended

### Repeal.

85 The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule

Short title  
and com-  
mencement

86 (1) This Act may be cited as the Merchant Shipping Act, 1906 and shall be construed as one with the principal Act and the Merchant Shipping Acts 1894 to 1900 and this Act may be cited together as the Merchant Shipping Acts 1894 to 1906

(2) This Act shall save as otherwise expressly provided, come into operation on the first day of June nineteen hundred and seven.

## SCHEDULES.

## First Schedule.

### Scale of Provisions.

[illegible]



*Conditions and Exceptions in applying Scale.*

1 The issue of provisions for which a total weekly and no daily amount is given in the above scale shall be reasonably distributed throughout the week.

2 The issue of soft bread under the scale shall not be required—

- (a) in a ship of less than one thousand tons gross registered tonnage or
- (b) if rough weather renders the making of the bread impracticable or
- (c) in any ship until the date of the first agreement with the crew entered into after the first day of January nineteen hundred and eight

but where soft bread is not issued, an equivalent amount of the biscuit shall be issued instead.

3 An equal quantity of fish up to an amount not exceeding three-quarters of a pound in any one week, may be substituted for preserved meat under the above scale

The fish issued, whether under the scale or as a substitute must be fresh fish, dried fish or canned salmon or canned herrings

4. Within the tropics, a pound and a half of preserved meat or three pounds of fresh meat may be substituted for two pounds of salt pork.

5 Fresh potatoes must be issued for at least the first eight weeks of the voyage in the case of every ship leaving a port within the home trade limits at any time between the last day of September and the first day of May and at any other time when they can be procured at a reasonable cost

When fresh potatoes are not so issued an equal amount of yams, or vegetables preserved in tins, or an equivalent amount of dried or compressed potatoes or dried or compressed vegetables in the proportion of one pound to six pounds of fresh potatoes, must be issued in their place

6 Fresh vegetables or vegetables preserved in tins may at any time be substituted for dried or compressed vegetables in the proportion of half a pound of fresh vegetables, or vegetables preserved in tins, to one ounce of dried or compressed vegetables

7 A mixture of coffee and chicory containing not less than seventy five per cent of coffee may at any time be substituted for coffee in the proportion of five ounces of the mixture to four ounces of coffee.

8 The dried fruit issued under the above scale must be raisins, sultanas, currants figs, or prunes.

9 The onions to be issued under the above scale must be fresh onions when in season and when fresh onions are not in season an equal amount of onions or vegetables preserved in tins, or an equivalent amount of dried or compressed onions or vegetables in the proportion of one ounce to half a pound of fresh onions must be issued.

10 In port—

- (a) soft bread shall be issued in lieu of biscuit and
- (b) when procurable at a reasonable cost, a pound and a half of fresh meat and half a pound of fresh vegetables shall be issued daily,

and, when fresh meat and fresh vegetables are so issued, salt and preserved meat and dried or compressed vegetables need not be issued

11. The stokehold hands are to receive sufficient oatmeal and one quart of water extra daily while under steam

*Substitutes and Equivalents—not to be used without Reasonable Cause*

Fresh meat	.	.	.	.	1½ lb	} To be considered equal
Salt meat	.	.	.	.	1 „	
Preserved meat	.	.	.	.	$\frac{3}{4}$ „	
Coffee	.	.	.	.	$\frac{1}{2}$ oz	
Cocoa	.	.	.	.	$\frac{1}{2}$ „	} Ditto
Tea	.	.	.	.	$\frac{1}{4}$ „	
Flour	.	.	.	.	1 lb	
Biscuit	.	.	.	.	1 „	} Ditto
Rice	.	.	.	.	1 „	
Split peas	.	.	.	.	$\frac{1}{8}$ pt	
Flour	.	.	.	.	$\frac{3}{4}$ lb	} To be considered equal when issued with meat rations
Calavances or haricot beans	.	.	.	.	$\frac{1}{2}$ pt	
Rice	.	.	.	.	$\frac{1}{2}$ lb	
Marmalade	.	.	.	.	1 lb	} To be considered equal
Jam	.	.	.	.	1 „	
Butter	.	.	.	.	$\frac{1}{2}$ „	
Mustard	.	.	.	.		
Curry powder	.	.	.	.		} Ditto

SECOND SCHEDULE

*Enactments repealed*

Session and Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894.	<p>Sub-section (2) of section forty eight, paragraph (b) of sub section (1) of section ninety-two, section one hundred and forty-four</p> <p>Sections one hundred and eighty six to one hundred and ninety-three, sections two hundred and seven, two hundred and eight and two hundred and thirty five</p> <p>In sub section (2) of section two hundred and forty six the words “and appoint and remove the superintendents, deputies, clerks, and servants,” and in paragraph (a) of that sub section the words “the number of persons to be so appointed and the amount of their salaries and wages, and ” and the word “ other ”, and paragraph (c) of that sub section, and in paragraph (d) of that sub-section the words “ and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade and not of the local marine board of the port ”, and in sub section (3) of the same section the words and appoint and remove all the requisite superintendents, deputies, clerks, and servants</p>

Session and Chapter.	Short Title.	Extent of Repeal.
		<p>In section two hundred and sixty-seven the words "and every foreign steamship carrying passengers between places in the United Kingdom."</p> <p>Paragraph (3) of section two hundred and sixty-eight.</p> <p>Section two hundred and ninety-one.</p> <p>Section two hundred and ninety-nine.</p> <p>Paragraph (i) of section three hundred and twenty-eight section three hundred and fifty three; in sub-section (1) of section four hundred and thirteen the words "of England or Ireland."</p> <p>Section four hundred and fifty-one as from the passing of this Act.</p> <p>In section four hundred and sixty two the words "has taken on board all or any part of her cargo," and the word "and" where it next occurs, and the words "whilst at that port"; in paragraph (a) of sub-section (3) of section five hundred and three the words "gross tonnage without deduction on account of engine room."</p> <p>The Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules as from the dates on which regulations, scales, conditions, and forms are prescribed by the Board of Trade in substitution for those Schedules respectively</p>
61 & 62 Vict., c. 14	The Merchant Shipping (Liability of Shipowners,) Act, 1903.	Section one, from "provided" to the end of the section.
61 & 62 Vict., c. 44	The Merchant Shipping (Marine Fund) Act, 1898.	Section four.

### <sup>1</sup> THE WORKMEN'S COMPENSATION ACT 1906

(6 Edw 7, c. 58)

*An Act to consolidate and amend the Law with respect to Compensation to Workmen for injuries suffered in the course of their Employment*

[21st December 1906]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows

**Liability of employers to workmen for injuries.** 1. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman his employer

<sup>1</sup> See s. 7 *infra*.

shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the First Schedule to this Act

(2) Provided that—

(a) the employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he was employed

(b) when the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act, but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid

(c) if it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed

(3) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the First Schedule to this Act, be settled by arbitration, in accordance with the Second Schedule to this Act

(4) If, within the time hereinafter in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed, but the court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this sub-section, when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs and such certificate shall have the force and effect of an award under this Act

(5) Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories, or workshops, or the application of any such fine.

Time for  
taking  
proceedings.

2 (1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury or in case of death within six months from the time of death

Provided always that—

(a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not or would not if a notice or an amended notice were then given and the hearing postponed be prejudiced in his defence by the want of defect or inaccuracy or that such want of defect or inaccuracy was occasioned by mistake, absence from the United Kingdom or other reasonable cause and

(b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause

(2) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened, and shall be served on the employer or if there is more than one employer upon one of such employers.

(3) The notice may be served by delivering the same at, or sending it by post in a registered letter addressed to the residence or place of business of the person on whom it is to be served.

(4) Where the employer is a body of persons corporate or unincorporate the notice may also be served by delivering the same at or by sending it by post in a registered letter addressed to the employer at the office or if there be more than one office, any one of the offices of such body

tracting

3 (1) If the Registrar of Friendly Societies after taking steps to ascertain the views of the employer and workmen certifies that any scheme of compensation benefit or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and that where the scheme provides for contributions by the workmen the scheme confers benefits at least equivalent to those contributions in addition to the benefits to which the workmen would have been entitled under this Act and that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme the employer may whilst the certificate is in force contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of

this Act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act

(2) The registrar may give a certificate to expire at the end of a limited period of not less than five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme

(4) If complaint is made to the Registrar of Friendly Societies by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exist for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(5) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may be determined by the Registrar of Friendly Societies in the event of a difference of opinion

(6) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such enquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar of Friendly Societies

(7) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act

(8) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect

4. (1) Where any person (in this section referred to as the principal), in Sub-con-  
the course of or for the purposes of his trade or business, contracts with any <sup>tracting</sup>  
other person (in this section referred to as the contractor) for the execution  
by or under the contractor of the whole or any part of any work undertaken  
by the principal, the principal shall be liable to pay to any workman employed  
in the execution of the work any compensation under this Act which he  
would have been liable to pay if that workman had been immediately employed  
by him, and where compensation is claimed from or proceedings are taken  
against the principal, then, in the application of this Act, references to the  
principal shall be substituted for references to the employer, except that the  
amount of compensation shall be calculated with reference to the earnings  
of the workman under the employer by whom he is immediately employed

Provided that, where the contract relates to threshing, ploughing, or other  
agricultural work, and the contractor provides and uses machinery driven

by mechanical power for the purpose of such work he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by arbitration under this Act

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

5 (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors or if the employer is a company in the event of the company having commenced to be wound up the rights of the employer against the insurers as respects that liability shall notwithstanding any thing in the enactments relating to bankruptcy and the winding up of companies be transferred to and vest in the workman and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman the workman may prove for the balance in the bankruptcy or liquidation

(3) There shall be included among the debts which under section one of the Preferential Payments in Bankruptcy Act 1888 and section four of the Preferential Payments in Bankruptcy (Ireland) Act, 1889 are in the distribution of the property of a bankrupt and in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount not exceeding in any individual case one hundred pounds, due in respect of any compensation the liability whereof accrued before the date of the receiving order or the date of the commencement of the winding up and those Acts and the Preferential Payments in Bankruptcy Amendment Act 1897 shall have effect accordingly Where the compensation is a weekly payment, the amount due in respect thereof shall for the purposes of this provision be taken to be the amount of the lump sum for which the weekly payment could if redeemable be redeemed if the employer made an application for that purpose under the First Schedule to this Act

Provision  
as to cases of  
bankruptcy  
employer.

51 & 52  
Vict. c.  
52 & 53  
Vict. c.

50 & 51  
Vict. c.

(1) In the case of the winding up of a company within the meaning of the 1 Vict., Stannaries Act, 1887, such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of the miners by section nine of that Act, and that section shall have effect accordingly

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company being wound up has entered into such a contract with insurers as aforesaid

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

6. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

Remedies  
both  
against  
employer  
and stranger.

(1) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act for such compensation, but shall not be entitled to recover both damages and compensation, and

(2) if the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the section of this Act relating to sub-contracting, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act

7. (1) This Act shall apply to masters, seamen, and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications

Application  
of Act to  
seamen

(a) the notice of accident and the claim for compensation may, except where the person injured is the master, be served on the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident

(b) in the case of the death of the master, seaman, or apprentice, the claim for compensation shall be made within six months after news of the death has been received by the claimant

(c) where an injured master, seaman, or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may



be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894, and those sections shall apply accordingly 57 &  
c 60.

- (d) in the case of the death of a master seaman or apprentice leaving no dependants, no compensation shall be payable if the owner of the ship is under the Merchant Shipping Act 1894 liable to pay the expenses of burial
- (e) the weekly payment shall not be payable in respect of the period during which the owner of the ship is under the Merchant Shipping Act, 1894 as amended by any subsequent enactment, or otherwise liable to defray the expenses of maintenance of the injured master seaman, or apprentice 15
- (f) any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life injury or damage) but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under the section of this Act relating to remedies both against employer and stranger as if the indemnity were damages for loss of life or personal injury
- (g) sub-sections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act 1894 (which relates to the recovery of wages of seamen lost with their ship) shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands.

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated by shares in the profits or the gross earnings of the working of such vessel.

(3) This section shall extend to pilots to whom Part V of the Merchant Shipping Act 1894 applies as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew

## 8. (1) Where—

(1) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed, or

Application  
of Act to  
industrial  
diseases.

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease, or

(iii) the death of a workman is caused by any such disease,

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications

(a) the disablement or suspension shall be treated as the happening of the accident;

(b) if it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable,

(c) the compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due.

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the

employer from whom the compensation is to be recoverable and

- (iii) if the disease is of such a nature as to be contracted by a gradual process any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make the employer from whom compensation is recoverable such contributions as in default of agreement may be determined in the arbitration under this Act for settling the amount of the compensation
- (d) the amount of the compensation shall be calculated with reference to the earnings of the workmen under the employer from whom the compensation is recoverable
- (e) the employer to whom notice of the death disablement, or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment
- (f) if an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee, whose decision shall be final.

(2) If the workman at or immediately before the date of the disablement or suspension was employed in any process mentioned in the second column of the Third Schedule to this Act and the disease contracted is the disease in the first column of the Schedule set opposite the description of the process, the disease except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary

(3) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under this section

(4) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement commenced or if he is unable to certify such a date, the date on which the certificate is given Provided that—

- (a) where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement the date of disablement shall be such date as the medical referee may determine

(b) where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(5) In such cases, and subject to such conditions as the Secretary of State may direct, a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under this section, and this section shall be construed accordingly.

(6) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order

(7) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which this section applies, it appears that a mutual trade insurance company or society for insuring against the risks under this section has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Secretary of State may, by Provisional Order, require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order. Where such a company or society has been established, but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry

(8) A Provisional Order made under this section shall be of no force whatever unless and until it is confirmed by Parliament, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills, and any Act confirming any Provisional Order under this section may be repealed, altered, or amended by a Provisional Order made and confirmed in like manner

(9) Any expenses incurred by the Secretary of State in respect of any such Order, Provisional Order, or confirming Bill shall be defrayed out of moneys provided by Parliament

(10) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

9. (1) This Act shall not apply to persons in the naval or military service of the Crown, but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person.

Application  
to workmen  
in employ-  
ment of  
Crown

Provided that in the case of a person employed in the private service of the Crown, the head of that department of the Royal Household in which

he was employed at the time of the accident shall be deemed to be his employer

(2) The Treasury may, by warrant laid before Parliament modify for the purposes of this Act their warrant made under section one of the Superannuation Act 1887 and notwithstanding anything in that Act or any such warrant may frame schemes with a view to their being certified by the Registrar of Friendly Societies under this Act. <sup>50 & 51 a 67</sup>

Appointment  
and remuneration of  
medical  
referees and  
arbitrators.

10 (1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may with the sanction of the Treasury determine and the remuneration of and other expenses incurred by medical referees under this Act shall subject to regulations made by the Treasury be paid out of moneys provided by Parliament

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case

(2) The remuneration of an arbitrator appointed by a judge of county courts under the Second Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury

Detention of  
ships.

11 (1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act and at any time that ship is found in any port or river of England or Ireland, or within three miles of the coast thereof a judge of any court of record in England or Ireland may upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation and that none of the owners reside in the United Kingdom issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent master or consignee thereof have paid such compensation or have given security to be approved by the judge to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly

(2) In any legal proceeding to recover such compensation the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding

(3) Section six hundred and ninety two of the Merchant Shipping Act 1894 shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act and if the owner of a ship is a corporation it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected <sup>57 & 58 17 a 67</sup>

12. (1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds

Returns as  
to compen-  
sation

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made

13 In this Act, unless the context otherwise requires,—

Definitions

“ employer ” includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person ,

“ workman ” does not include any person employed otherwise than by way of manual labour whose remuneration exceeds two hundred and fifty pounds a year, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, or a member of a police force, or an outworker, or a member of the employer's family dwelling in his house but, save as aforesaid, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing ,

any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable ,

“ dependants ” means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grand-parent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grand-parent so dependent upon his earnings, shall include such an illegitimate child and parent or grand-parent respectively ,

member of a family ' means wife or husband, father, mother grand father grandmother step-father stepmother son daughter grandson, granddaughter step-son, step-daughter brother sister, half brother half-sister

"ship vessel" seaman and port' have the same meanings as in the Merchant Shipping Act 1894

manager in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner

police force, means a police force to which the Police Act, 1890 or 53 & 54 the Police (Scotland) Act, 1890 applies the City of London Police c. 45, 53 & 54 Force, the Royal Irish Constabulary and the Dublin Metropolitan c. 67 Police Force

' outworker means a person to whom articles or materials are given out to be made up cleaned, washed, altered ornamented finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles

the exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority

county court judge of the county court registrar of the county court plaintiff and rules of court, as respects Scotland mean respectively sheriff court, sheriff sheriff clerk, pursuer and act of sederunt

al  
isions as  
and.

14. In Scotland, where a workman raises an action against his employer independently of this Act in respect of any injury caused by accident arising out of and in the course of the employment, the action if raised in the sheriff court and concluding for damages under the Employers Liability Act, 1880 or alternatively at common law or under the Employers Liability Act, 1880 43 & 41, shall notwithstanding anything contained in that Act, not be removed under that Act or otherwise to the Court of Session, nor shall it be appealed to that court otherwise than by appeal on a question of law and for the purpose of such appeal the provisions of the Second Schedule to this Act in regard to an appeal from the decision of the sheriff on any question of law determined by him as arbitrator under this Act shall apply c. 42.

Provisions as  
to existing  
contracts  
and schemes.

15 (1) Any contract (other than a contract substituting the provisions of a scheme certified under the Workmen's Compensation Act 1897 for the provisions of that Act) existing at the commencement of this Act whereby a workman relinquishes any right to compensation from the employer or personal injury arising out of and in the course of his employment, shall not for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act c. 37, 60 & 61

(2) Every scheme under the Workmen's Compensation Act, 1897, in force at the commencement of this Act, shall, if re-certified by the Registrar of Friendly Societies, have effect as if it were a scheme under this Act.

(3) The Registrar shall re-certify any such scheme if it is proved to his satisfaction that the scheme conforms, or has been so modified as to conform, with the provisions of this Act as to schemes.

(4) If any such scheme has not been so re-certified before the expiration of six months from the commencement of this Act, the certificate thereof shall be revoked

16. (1) This Act shall come into operation on the first day of July nineteen hundred and seven, but, except so far as it relates to references to medical referees, and proceedings consequential thereon, shall not apply in any case where the accident happened before the commencement of this Act

Commence  
ment and  
repeal

(2) The Workmen's Compensation Acts, 1897 and 1900, are hereby repealed, but shall continue to apply to cases where the accident happened before the commencement of this Act, except to the extent to which this Act applies to those cases

60 & 61 Vict.,  
c 37  
63 & 64 Vict.,  
c 22

17 This Act may be cited as the Workmen's Compensation Act, 1906.

Short title

## SCHEDULES.

### FIRST SCHEDULE

#### *Scale and Conditions of Compensation.*

(1) The amount of Compensation under this Act shall be—

(a) where death results from the injury—

(i) if the workman leaves any dependants wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one hundred and fifty pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum, and, if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer,

(ii) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants, and



- (iii) if he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds
- (b) where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding fifty per cent. of his average weekly earnings during the previous twelve months if he has been so long employed but if not then for any less period during which he has been in the employment of the same employer such weekly payment not to exceed one pound

Provided that—

- (a) if the incapacity lasts less than two weeks no compensation shall be payable in respect of the first week and
  - (b) as respects the weekly payments during total incapacity of a workman who is under twenty-one years of age at the date of the injury and whose average weekly earnings are less than twenty shillings, one hundred per cent shall be substituted for fifty per cent of his average weekly earnings but the weekly payment shall in no case exceed ten shillings.
- (2) For the purposes of the provisions of this schedule relating to earnings and average weekly earnings of a workman the following rules shall be observed
- (a) average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment or the terms of the employment it is impracticable at the date of the accident to compute the rate of remuneration regard may be had to the average weekly amount which, during the twelve months previous to the accident was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed by a person in the same grade employed in the same class of employment and in the same district
  - (b) where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident
  - (c) employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident uninterrupted by absence from work due to illness or any other unavoidable cause

(d) where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings

(3) In fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper

(4) Where a workman has given notice of an accident, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

(5) The payment in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into the county court, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in.

Provided that, if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due

(6) Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of the United Kingdom as the court to which it is to be transferred

(7) Where a weekly payment is payable under this Act to a person under any legal disability, a county court may, on application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this schedule with respect to sums required by this schedule to be paid into court shall apply to sums paid into court in pursuance of any such order

(8) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this

Act, or, if not so settled before payment into court under this schedule, by the county court. Where there are both total and partial dependants nothing in this schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(9) Where on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause an order of the court or an award as to the apportionment amongst the several dependants of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

(10) Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

(11) Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks, and the declaration to be made by a depositor shall not apply to such sums.

(12) No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed to the Postmaster-General by the Treasury or, subject to regulations of the Treasury by the judge or registrar of the county court.

(13) Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

(14) Any workman receiving weekly payments under this Act shall if so required by the employer from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination or in any way obstructs the same his right to such weekly payments shall be suspended until such examination has taken place.

(15) A workman shall not be required to submit himself for examination by a medical practitioner under paragraph (4) or paragraph (14) of this schedule otherwise than in accordance with regulations made by the Secretary of State or at more frequent intervals than may be prescribed by those regulations.

Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court, on application being made to the court by both parties, may, on payment by the applicants of such fee not exceeding one pound as may be prescribed, refer the matter to a medical referee

The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified

Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this paragraph shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman

If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place

Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this paragraph and the forms to be used for those purposes and, subject to the consent of the Treasury, as to the fee to be paid under this paragraph

(16) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act.

Provided that where the workman was at the date of the accident under twenty-one years of age and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding fifty per cent of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding one pound

(17) Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would, if invested in the purchase of

an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank purchase an annuity for the workman equal to seventy five per cent of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act and such lump sum may be ordered by the committee or arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum

(18) If a workman receiving a weekly payment ceases to reside in the United Kingdom, he shall thereupon cease to be entitled to receive any weekly payment unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves in such manner and at such intervals as may be prescribed by rules of court his identity and the continuance of the incapacity in respect of which the weekly payment is payable

(19) A weekly payment or a sum paid by way of redemption thereof shall not be capable of being assigned charged, or attached, and shall not pass to any other person by operation of law nor shall any claim be set off against the same

(20) Where under this schedule a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

(21) Where a scheme certified under this Act provides for payment of compensation by a friendly society the provisions of the proviso to the first subsection of section eight, section sixteen, and section forty-one of the Friendly Societies Act 1896 shall not apply to such society in respect of such scheme 59 & 60  
c. 25.

(22) In the application of this Act to Ireland the provisions of the County Officers and Courts (Ireland) Act 1877 with respect to money deposited in the Post Office Savings Bank under that Act, shall apply to money invested in the Post Office Savings Bank under this Act 41 & 4  
c. 50.

## SECOND SCHEDULE.

Sections 1  
11

### *Arbitration etc*

(1) For the purpose of settling any matter which under this Act is to be settled by arbitration if any committee representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen the matter shall unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter be settled by the arbitration of such committee or be referred by them in their discretion to arbitration as hereinafter provided

(2) If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court

(3) In England the matter, instead of being settled by the judge of the county court, may, if the Lord Chancellor so authorises, be settled, according to the like procedure, by a single arbitrator appointed by that judge, and the arbitrator so appointed shall, for the purposes of this Act, have all the powers of that judge

52 & 53 Vict.,  
c 49

(4) The Arbitration Act, 1889, shall not apply to any arbitration under this Act, but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal, and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court

(5) A judge of county courts may, if he thinks fit, summon a medical referee to sit with him as an assessor

(6) Rules of court may make provision for the appearance in any arbitration under this Act of any party by some other person

(7) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court. The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules, and such taxation may be reviewed by the judge of the county court

(8) In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator

(9) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by any arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the registrar of the county court, who shall, subject to such rules, on being satisfied as to its genuineness, record such memorandum in a special register without fee, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment.

Provided that—

- (a) no such memorandum shall be recorded before seven days after the despatch by the registrar of notice to the parties interested and
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer in accordance with rules of court proves that the workman has in fact returned to work and is earning the same wages as he did before the accident and objects to the recording of such memorandum, the memorandum shall only be recorded if at all on such terms as the judge of the county court under the circumstances, may think just and
- (c) the judge of the county court may at any time rectify the register and
- (d) where it appears to the registrar of the county court on any information which he considers sufficient that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to a person under any legal disability or to dependants ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means he may refuse to record the memorandum of the agreement sent to him for registration, and refer the matter to the judge, who shall in accordance with rules of court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just and
- (e) the judge may within six months after a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under any legal disability or to dependants, has been recorded in the register order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just
- (f) An agreement as to the redemption of a weekly payment by a lump sum if not registered in accordance with this Act shall not nor shall the payment of the sum payable under the agreement exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants if not so registered shall not nor shall the payment of the sum payable under the agreement

exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.

(11) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court

(12) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent

(13) No court fee, except such as may be prescribed under paragraph (15) of the First Schedule of this Act, shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award.

(14) Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

(15) Any committee, arbitrator, or judge may, subject to regulations made by the Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration

(16) The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative or an employer and his workmen, as respects



any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee all or any of the powers conferred by this Act exclusively on county courts or judges of county courts and may by the order provide how and to whom the compensation money is to be paid in cases where but for the order the money would be required to be paid into court and the order may exclude from the operation of provisions (d) and (e) of paragraph (9) of this schedule agreements submitted to and approved by the committee and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order

(17) In the application of this schedule to Scotland—

- (a) county court judgment as used in paragraph (9) of this Schedule means a recorded decree arbitral
- (b) any application to the sheriff as arbitrator shall be heard, tried and determined summarily in the manner provided by section fifty two of the Sheriff Courts (Scotland) Act 1876 save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him and his decision thereon in such case may be submitted to either division of the Court of Session who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced and an appeal shall lie from either of such divisions to the House of Lords 39 & 40  
c. 70.
- (c) Paragraphs (3) (4) and (8) shall not apply

(18) In the application of this schedule to Ireland the expression judge of the county court shall include the recorder of any city or town and an appeal shall lie from the Court of Appeal to the House of Lords

### THIRD SCHEDULE

Section 8.

Description of Disease	Description of Process.
Anthrax	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ	Any process involving the use of the mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis	Mining.

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then in the application of this schedule to that industry, the expression "process" shall, unless the Secretary of State otherwise directs, include only the processes so specified

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THE TERRITORIAL AND RESERVE FORCES ACT, 1907

(7 Edw 7, c. 9.)

*An Act to provide for the reorganisation of His Majesty's military forces and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces.*

[2nd August, 1907]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

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PART I — *County Associations*, and PART II — *(Territorial Force) omitted as being inapplicable to India.*

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PART III.

*Reserve Forces*

30. (1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882, shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists, and a special reservist may be re-engaged, and when re-engaged shall continue subject to the terms of service applicable to special reservists

(2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act 1882 any special reservists may be called out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882

(4) Provided that where one of the conditions on which a man was enlisted or re-engaged is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper he shall not be liable under this section to be called out for any longer period

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful for His Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect

(6) A special reservist who enlists into the regular forces shall upon such enlistment be deemed to be discharged from the army reserve.

31 A Secretary of State may by regulations under the Reserve Forces Act 1882 authorise any special reservist having the qualifications prescribed by those regulations to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent service he will continue to serve until the expiration of a period whether definite or indefinite specified in the agreement and if any man who enters into such an agreement is so called out, he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired.

32 (1) A special reservist shall, if he so agrees in writing be liable during the whole of his service in the army reserve or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act 1882 and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act

Provided that—

- (a) The number of men so liable shall not at any one time exceed four thousand
- (b) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress
- (c) Any agreement under this section may provide for the revocation thereof by such notice in writing as may be therein stated
- (d) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be
- (e) The number of men for the time being called out under this section shall not be reckoned in the number of the forces authorised by the Annual Army Act for the time being in force

Agreements  
as to extension  
of  
service.

Liability of  
reservists  
to be called  
out.

(2) Six thousand shall be substituted for five thousand as the maximum number of men liable to be called out under section one of the Reserve Forces and Militia Act, 1898, and the liability to be called out under that section may, if so agreed, extend to the first two years of a man's service in the first class of the army reserve.

(3) In paragraph (5) of section one hundred and seventy-six of the Army Act the words "under His Majesty's proclamation" shall be repealed.

33. Orders and regulations under the Reserve Forces Act, 1882, may provide for the formation of special reservists into regiments, battalions, or other military bodies, and for the formation of such regiment, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching special reservists to such corps, and for posting, attaching, or otherwise dealing with special reservists within such corps

34. (1) His Majesty may by Order in Council transfer to the Army Reserve such battalions of the Militia as may be specified in the order, and every battalion so transferred shall from the date mentioned in the order be deemed to have been lawfully formed under this Part of this Act as a battalion of special reservist

(2) As from the said date every officer of any battalion so transferred shall be deemed to be an officer in the reserve of officers, and every man in such battalion shall be deemed to be a special reservist, and the order may contain such provisions as may seem necessary for applying the provisions of the Reserve Forces Acts, 1882 to 1906 as amended by this Act, to those officers and men

Provided that, unless any officer or man in any battalion so transferred indicates his assent to such transfer certified by his commanding officer, nothing in the order shall affect his existing conditions of service

(3) All Orders in Council made under this section shall be laid before both Houses of Parliament

35. Sub-section (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, apply to certificates purporting to be signed by such person

36 The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any member returned to serve in Parliament.

#### PART IV.

#### *Supplemental*

37. (1) Every Order in Council or scheme required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or, if not, within forty days after the

commencement of the then next ensuing session and if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days, praying that any such order or scheme may be annulled, His Majesty may thereupon by Order in Council annul the same, and the order or scheme so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same

(2) All Orders in Council, orders, schemes, and regulations made under this Act may be varied or revoked by subsequent Orders in Council, orders, schemes, and regulations made in the like manner and subject to the like conditions.

#### Definitions.

38 In this Act unless the context otherwise requires,—

The expression county means a county or riding of a county for which a Lieutenant is appointed, and includes the City of London and each county of a city or county of a town mentioned in the first column of the Second Schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule

The expression man of the Territorial Force' includes a non-commissioned officer

The expression prescribed' means prescribed by orders or regulations

Other expressions have the same meaning as in the Army Act.

#### Special provisions as to special places.

39 (1) The Lord Warden of the Cinque Ports may *ex-officio* be a member of the association of the county of Kent or of the county of Sussex, or of both as may be provided by schemes under this Act.

(2) The Warden of the Stannaries may *ex-officio* be a member of the association of the county of Cornwall or of the county of Devon or of both as may be provided by schemes under this Act

(3) The Lord Mayor of the City of London shall *ex-officio* be president of the association of the City of London

(4) The Governor or Deputy Governor of the Isle of Wight shall *ex-officio* be a member of the association of the county of Southampton

(5) Nothing in this Act shall affect the raising and levying of the Trophy Tax as heretofore in the City of London but the proceeds of the Tax so levied may be applied by His Majesty's Commissioners of Lieutenancy for the City of London if the Royal London Militia Battalion is re-constituted as a battalion of the Army Reserve for any purposes connected with that battalion and may also if His Majesty's Commissioners of Lieutenancy for the City of London in their discretion see fit, be applied for the purposes of any of the powers and duties of the association of the City of London under this Act

40. (1) In the application of this Act to Scotland the following modifications shall be made

Application to Scotland and the Isle of Man. •

- (a) This Act shall apply to a county of a city in like manner as to any other county Provided that on the representation or with the consent of the corporation of any county of a city it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, at any time after the passing of this Act, to declare that such county of a city shall for the purposes of this Act be deemed to form part of the county set opposite thereto in the second column of the Third Schedule to this Act, and to provide for all matters which may appear necessary or proper for giving full effect to the order ,
- (b) The expression “ county borough council ” means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken ,
- (c) The expression “ land ” includes heritages ;
- (d) The expression “ overseer ” means inspector of poor

(2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications :

- (a) The Isle of Man shall be deemed to be a separate county ,
- (b) References to the Governor of the Island shall be substituted for references to the lieutenant of a county ,
- (c) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts ,
- (d) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions

41 This Act may be cited as the Territorial and Reserve Forces Act, 1907, Short title. and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907.

## SCHEDULES

[FIRST SCHEDULE (AMENDMENT OF ARMY ACT).  
OMITTED THE AMENDMENTS ARE INCORPORATED  
INTO THE ARMY ACT AS PRINTED *ante* ]

## Section 38.

## SECOND SCHEDULE.

Names of Cities and Towns.	County
ENGLAND.	
County of the city of Chester	Chester.
County of the city of Exeter	Devon.
County of the town of Poole	Dorset.
County of the city of Gloucester	Gloucester.
County of the city of Bristol	Gloucester
County of the city of Canterbury	Kent.
County of the city of Lincoln	Lincoln.
County of the city of Norwich	Norfolk.
County of the town of Newcastle-upon Tyne	Northumberland.
Borough and town of Berwick-upon Tweed	Northumberland.
County of the town of Nottingham	Nottingham.
County of the town of Southampton	Southampton.
County of the city of Lichfield	Stafford.
County of the city of Worcester	Worcester
County of the city of York	West Riding of York.
County of the town of Kingston-upon Hull	East Riding of York.
County of the town of Carmarthen	Carmarthen.
County of the town of Haverfordwest	Pembroke.
IRELAND.	
County of the city of Waterford	Waterford.
County of the town of Londonderry	Londonderry

## Section 40.

## THIRD SCHEDULE.

Name of County or City	County
SCOTLAND.	
County of the city of Edinburgh	Edinburgh.
County of the city of Glasgow	Lanark.
County of the city of Dundee	Forfar
County of the city of Aberdeen	Aberdeen.

THE EVIDENCE (COLONIAL STATUTES) ACT, 1907.

(7 Edw. 7, c. 16.)

*An Act to facilitate the admission in evidence of statutes passed by the Legislatures of British possessions and Protectorates, including Cyprus*

[21st August, 1907]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. (1) Copies of Acts, ordinances, and statutes passed (whether before or after the passing of this Act) by the Legislature of any British possession, and of orders, regulations, and other instruments issued or made, whether before or after the passing of this Act, under the authority of any such Act, ordinance or statute, if purporting to be printed by the Government printer, shall be received in evidence by all courts of justice in the United Kingdom without any proof being given that the copies were so printed

(2) If any person prints any copy or pretended copy of any such Act, ordinance, statute, order, regulation, or instrument which falsely purports to have been printed by the Government printer, or tenders in evidence any such copy or pretended copy which falsely purports to have been so printed, knowing that it was not so printed, he shall on conviction be liable to be sentenced to imprisonment with or without hard labour for a period not exceeding twelve months

(3) In this Act—

The expression "Government printer" means, as respects any British possession, the printer purporting to be the printer authorised to print the Acts, ordinances, or statutes of the Legislature of that possession, or otherwise to be the Government printer of that possession

The expression "British possession" means any part of His Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature shall include both all parts under the central Legislature and each part under a local Legislature

(4) Nothing in this Act shall affect the Colonial Laws Validity Act, 1865

(5) His Majesty may by Order in Council extend this Act to Cyprus and any British protectorate, and where so extended this Act shall apply as if Cyprus or the protectorate were a British possession, and with such other necessary adaptations as may be made by the Order.

2. This Act may be cited as the Evidence (Colonial Statutes) Act, 1907. Short title.



1224 *Commissioners for Oaths (Prize Proceedings) Act, 1907* [7 Edw 7, c 25]  
*Council of India Act, 1907* [7 Edw 7, c 35]

1 COMMISSIONERS FOR OATHS (PRIZE PROCEEDINGS) ACT 1907

(7 Edw 7, c 25)

*An Act for amending the Law relating to the Administration of Oaths for the purpose of Proceedings in Prize Courts*

[28th August 1907]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same as follows —

1 There shall be added to section four of the Commissioners for Oaths Act 1889 (which relates to the appointment of persons to administer oaths in prize proceedings) the following provisions —

Any officer for the time being holding any prescribed office on board any of His Majesty's ships or any of His Majesty's ships of any prescribed class shall whilst on the high seas or out of His Majesty's dominions by virtue of his office, be empowered to administer oaths and take affidavits for any purpose relating to proceedings in any prize court within the meaning of the Naval Prize Act 1864 as amended by any subsequent enactment

In this section the expression prescribed means prescribed in any regulations made by the Admiralty with the consent of the Lord Chancellor and the expression His Majesty's ships includes any of His Majesty's vessels of war and any hired ship or vessel in His Majesty's service

Any document purporting to have subscribed thereto the signature of any person authorised by or under this section to administer an oath in testimony of any oath or affidavit being administered or taken before him shall be admitted in evidence without proof of the signature being the signature of that person or of the official character of that person "

2 This Act may be cited as the Commissioners for Oaths (Prize Proceedings) Act, 1907 and the Commissioners for Oaths Acts, 1889 and 1891 and the Commissioners for Oaths Amendment Act 1890 and this Act may be cited together as the Commissioners for Oaths Acts 1889 to 1907

COUNCIL OF INDIA ACT 1907

(7 Edw 7, c. 35)

*An Act to amend the Law as to the Council of India*

[28th August 1907]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this

Power of officers to administer oaths in prize proceedings.

27 & 28 Vict. c.

22 Vict. c. 10.  
54 & 55 Vict. c. 53 & 54  
53 & 54 Vict. c.

Short title.

present Parliament assembled, and by the authority of the same, as follows —

1. The Council of India shall consist of such number of members, not less than ten and not more than fourteen, as the Secretary of State may from time to time determine Number of members of Council.

2. In section ten of the Government of India Act, 1858, the words “ more than five years ” shall be substituted for the words “ more than ten years.” Amendment of 21 & 22 Vict., c 106

3. Section thirteen of the same Act shall, as regards any member appointed after the passing of this Act, be read and construed as if the words one thousand pounds were substituted for the words one thousand two hundred pounds Salaries

4. Section two of the Government of India Act, 1869, shall, as regards any appointment made after the passing of this Act, be read and construed as if the word “ seven ” were substituted for the word “ ten ” Term of office

5. The Council of India Act, 1876, and the Council of India Reduction Act, 1889, are hereby repealed Repeal of 39 Vict., c 7

6. This Act may be cited as the Council of India Act, 1907

Short title

## MERCHANT SHIPPING ACT, 1907.

(7 Edw. 7, c. 52.)

*An Act to amend section seventy-eight of the Merchant Shipping Act, 1894, with respect to the deduction of the space occupied by propelling power in ascertaining the tonnage of a ship.*

[28th August, 1907]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. The deduction under section seventy-eight of the Merchant Shipping Act, 1894 (in this Act referred to as “ the principal Act ”), for the space occupied by the propelling power of a ship shall not in any case exceed fifty-five per cent of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under section seventy-nine of the principal Act Restriction on deduction for space occupied by propelling power Provided that—

(a) This section shall not apply to steam ships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs, but it and when employed for the carriage of passengers, cargoes, or stores, or using graving docks or dry docks or places provided for the repairing of vessels the register tonnage on which dues based on register tonnage may be levied by any harbour or dock authority shall be ascertained in manner provided by the Merchant Shipping Acts, 1894 to 1906, as amended by this Act, and

- (b) This section shall not come into operation until the first day of January nineteen hundred and fourteen in the case of the following ships (in this Act referred to as existing ships), namely ships constructed, or the construction of which has been commenced, before the first day of May nineteen hundred and seven, and ships a contract for the construction of which has been made before the first day of May nineteen hundred and seven, though the construction has not actually commenced before that date

Saving for authority having power to charge otherwise than on register tonnage.

2 Nothing in this Act shall affect any power which any dock or harbour authority have under any Act or Order confirmed by Parliament or having the effect of an Act of Parliament to charge tonnage rates dues or charges otherwise than on registered or register tonnage

Provisions as to ships already registered.

3 (1) Where in ascertaining the tonnage of an existing ship a deduction has been made for the space occupied by the propelling power of the ship greater than the maximum deduction allowed under this Act, the tonnage of the ship shall before the date on which this Act comes into operation as respects that ship, be recalculated on the basis of allowing the maximum deduction under this Act instead of that previously allowed and the necessary alteration of the particulars and certificate of the registry of the ship shall be made and shall take effect on that date

(2) The registrar of every port of registry shall make any alteration in the particulars of the registry of any ship registered at that port which is required for the purposes of this section and shall send notice of the alteration so made to the managing owner of the ship

(3) The managing owner of the ship on the receipt of any such notice of alteration shall forthwith transmit the notice to the master of the ship and the master of the ship on receipt of the notice shall produce it to the registrar of the port at which the ship is when the notice is received, if that port is a port having a registrar and if not to the registrar of the first port having a registrar at which the ship arrives after the notice is received and the registrar shall alter the certificate of registry of the ship in accordance with the notice

(4) If the managing owner or master of a ship fails to comply with the provisions of this section, the managing owner or master as the case may be shall be liable on summary conviction in respect of each offence to a fine not exceeding fifty pounds

(5) The expression 'managing owner' in this section includes any person registered under section fifty nine of the principal Act in cases where there is no managing owner

4 This Act may be cited as the Merchant Shipping Act 1907 and shall be construed as one with the principal Act and the Merchant Shipping Acts 1894 to 1906 and this Act may be cited together as the Merchant Shipping Acts 1894 to 1907

Short title, construction and commencement.

## POST OFFICE ACT, 1908

(8 Edw. 7, c. 48.)

(Sections 9, 36, 70 (3), 85 (1), 87, 93 and 94.)

*An Act to Consolidate Enactments relating to the Post Office.*

[21st December 1908.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

\* \* \* \* \*

9. The official mark of any sum on any postal packet as due to the Post Office, British, colonial, or foreign, in respect of that packet, shall in every British court, whether within or without the United Kingdom, be received as evidence of the liability of the packet to the sum so marked, and the sum shall be recoverable in any such court as postage due to His Majesty

\* \* \* \* \*

36. The Documentary Evidence Act, 1868, as extended by the Documentary Evidence Act, 1882, shall have effect—

Proof of  
Post Office  
Regulations.

(a) as if the Postmaster-General were mentioned in the first column, and any Secretary or Assistant Secretary of the Post Office were mentioned in the second column, of the schedule to the former Act, and

(b) as if a warrant of the Treasury under this Act were mentioned in the second section of the former Act as well as an order

\* \* \* \* \*

70. (3) Any fine or forfeiture incurred under this Act may be recovered in any place outside the United Kingdom before any court or magistrate before whom like fines or forfeitures are ordinarily recovered, or in such other manner as may be determined by any Act or ordinance having the force of law in that place

Recovery  
of fines  
and  
forfeitures

\* \* \* \* \*

85. (1) The legislature of any British possession may by any enactment make such provision as may seem fit for the establishment, maintenance, and regulation, of posts within the possession, and for charging rates of postage, and for appropriating the revenue derived therefrom

Power of  
legislature of  
British  
possession  
to establish  
posts

\* \* \* \* \*

87. Where an arrangement is made with the Government of any British possession, or with the Government, or with any person on behalf, of a foreign State or British protectorate for the transmission of small sums through the Post Offices of the British Islands and the British possession, foreign State, or British protectorate by means of money orders of a like character to postal orders

Arrangements  
with British  
possessions  
and foreign  
countries  
as to money  
orders

orders, the provisions of this Act with respect to postal orders shall, so far as is consistent with the tenor thereof and subject to any modifications prescribed by Post Office regulations apply in like manner as if an order issued in pursuance of the arrangement whether by an officer of the Post Office or by an officer of a British possession, foreign State or British protectorate were a postal order within the meaning of those provisions and such portions of those provisions as enact punishments shall apply accordingly

Provided that—

- (a) Any Post Office regulations in relation to any money orders issued in pursuance of any such arrangement as aforesaid may differ from the regulations respecting any other money orders and
- (b) Any money orders issued in pursuance of any such arrangement as aforesaid may be of such amount not exceeding the maximum amount fixed by this Act for postal orders and in such form and subject to such conditions respecting poundage, commission the periods during which they are payable and other matters as may be prescribed by Post Office regulations

Commence-  
ment of Act.

93 This Act shall come into operation on the first day of May one thousand nine hundred and nine

Short title.

94. This Act may be cited as the Post Office Act, 1908

## STATUTE LAW REVISION ACT 1908

(8 Edw 7, c. 49)

*An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary*

[21st December, 1908]

WHEREAS it is expedient that certain enactments which may be regarded as spent or have ceased to be in force otherwise than by express specific repeal by Parliament or have by lapse of time or otherwise become unnecessary should be expressly and specifically repealed

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows —

Enactments  
in schedule  
repealed.

1 The enactments described in the schedule to this Act are hereby repealed subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned and every part of a title, preamble or recital specified after the words in part namely, in connexion with an Act mentioned in the said schedule may be omitted from any revised

edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary

Provided as follows —

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute whether as respects the past or the future ;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repeated, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to ,

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto ,

and this Act shall not affect the validity, invalidity, effect, or consequences, of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued or incurred or any remedy or proceeding in respect thereof—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed ,

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force ,

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of His Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule

2. If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the country palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

3. This Act may be cited as the Statute Law Revision Act, 1908

Short title

## SCHEDULE

Reign and Chapter.	Short title.
* * *	* * *
50 & 51 Vict., c. 11.	The Conversion of India Stock Act, 1887 In part, namely — Preamble. Section six, from " and also " to the end of the section. Section eight. Section nine, the words " the Governor and Company of," occurring twice and the words " and includes their successors."
* * *	* * *
" c. 54.	The British Settlements Act, 1837 In part, namely — Section seven, to " Provided that " Schedule.
* * *	* * *
" c. 59	The Statute Law Revision Act, 1887 In part, namely — Schedule.
* * *	* * *
" c. 67	The Superannuation Act, 1887 In part, namely — Section twelve, the definition of " Treasury " Section thirteen, to " cited as," and the words " and that Act " Section fourteen. Schedule.
* * *	* * *
" c. 70.	The Appellate Jurisdiction Act, 1887 In part, namely — Preamble. Section one, the preamble.
* * *	* * *
51 & 52 Vict., c. 3.	The Statute Law Revision Act, 1893. In part, namely — Schedule, Parts I and II.
" c. 4.	The Army (Annual) Act 1893. In part, namely — Preamble. Sections two and three Preamble to sections four and five. Sections six and seven. Schedule
" c. 5.	The Oude and Rohilkund Railway Purchase Act, 1893. In part, namely — Preamble. Section three the words " after the passing of this Act " Section eighteen, to " provide ; and "
* * *	* * *

Page and Chapter		Short Title
21 & 22 Vict., c. 17		The Copyright (Printed Compositions) Act, 1858. In part, namely,— Preamble. Section two, the words "and in force" to the end of the section.
"	c. 27	The Statute Law Revision (No. 2) Act, 1858. In part, namely,— Preamble.
21 & 22 Vict., c. 2		The Army (Annual) Act, 1858. In part, namely,— Preamble. Sections two and three. Schedule.
"	c. 10	The Copyright Act of 1859. In part, namely,— Sections twelve and thirteen. Schedule.
"	c. 63	The Interpretation Act, 1859. In part, namely,— Section forty-one. Schedule.
53 & 54 Vict., c. 4		The Army (Annual) Act, 1890. In part, namely,— Preamble. Sections two to four. Section six. Schedule.
"	c. 6	The South Indian Railway Purchase Act, 1890. In part, namely,— Preamble. Section three, the words "after the passing of this Act".
"	c. 33	The Statute Law Revision Act, 1890. In part, namely,— Sections two and five. Schedule.



Reign and Chapter.	Short title.
53 & 54 Vict. c. 37	The Foreign Jurisdiction Act, 1890. In part, namely — Section eighteen to "Provided that" Section nineteen, sub-section (2). First Schedule, the entries in the fourth column, and the heading "Short Title" thereto. Third Schedule
" c. 42	The Reserve Forces Act, 1890. In part, namely — Preamble.
" c. 51	The Statute Law Revision (No. 2) Act, 1890. In part, namely — Schedule.
54 & 55 Vict. c. 50.	The Commissioners for Oaths Act, 1891. In part, namely — Preamble.
" c. 67	The Statute Law Revision Act, 1891. In part, namely — Schedule.
" c. 72	The Coinage Act, 1891. In part, namely — Section one, sub-section (4).
55 & 56 Vict. c. 2	The Army (Annual) Act, 1892. In part, namely,— Preamble Sections two and three. Schedule
" c. 14	The Indian Councils Act, 1892. In part, namely — Section four to "enacted that"
" c. 10	The Statute Law Revision Act, 1892. In part, namely — Schedule

Reign and Chapter	Short title
55 & 56 Vict, c 23	The Foreign Marriage Act, 1892 In part, namely,— Section twenty-five. Section twenty-six, sub-section (1), except paragraph (b) thereof Schedule
* * *	* * *
56 & 57 Vict, c. 4.	The Army (Annual) Act, 1893 In part, namely,— Preamble Sections two and three Section nine, sub-section (8) Schedule
„ c. 5	The Regimental Debts Act, 1893 In part, namely,— Sections thirty-one and thirty-two
* * *	* * *
„ c 14.	The Statute Law Revision Act, 1893 In part, namely,— Schedule
* * *	* * *
„ c 53	The Trustee Act, 1893 In part, namely,— Sections fifty-one and fifty-four Schedule
„ c. 54.	The Statute Law Revision (No 2) Act, 1893 In part, namely,— Section three Schedules
* * *	* * *
„ c 62.	The Madras and Bombay Armies Act, 1893 In part, namely,— Section one, sub section (3) Sections two and three Schedule
* * *	* * *
57 & 58 Vict, c 3	The Army (Annual) Act, 1894 In part, namely,— Preamble Sections two, three and six. Schedule
* * *	* * *
„ c 30	The Finance Act, 1894 In part, namely,— Preamble.
* * *	* * *

Reign and Chapter.	Short title.
53 & 54 Vict. c. 37	The Foreign Jurisdiction Act, 1890. In part, namely — Section eighteen to "Provided that" Section nineteen, sub-section (2). First Schedule, the entries in the fourth column, and the heading "Short Title" thereto. Third Schedule
" c. 42	The Reserve Forces Act, 1890. In part, namely — Preamble.
" c. 51	The Statute Law Revision (No. 2) Act, 1890. In part, namely — Schedule.
54 & 55 Vict. c. 50	The Commissioners for Oaths Act, 1891. In part, namely — Preamble.
" c. 67	The Statute Law Revision Act, 1891. In part, namely — Schedule.
" c. 72	The Coinage Act, 1891. In part, namely — Section one, sub-section (4).
55 & 56 Vict. c. 2	The Army (Annual) Act, 1892. In part, namely — Preamble. Sections two and three. Schedule.
" c. 14	The Indian Councils Act, 1892. In part, namely — Section four to "enacted that"
" c. 10	The Statute Law Revision Act, 1892. In part, namely — Schedule

Reign and Chapter	Short title.
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* * *	* * *
56 & 57 Vict, c 4.	The Army (Annual) Act, 1893 In part, namely,— Preamble Sections two and three Section nine, sub-section (8) Schedule
„ c 5	The Regimental Debts Act, 1893 In part, namely,— Sections thirty-one and thirty-two
* * *	* * *
„ c 14.	The Statute Law Revision Act, 1893 In part, namely,— Schedule
* * *	* * *
„ c 53	The Trustee Act, 1893 In part, namely,— Sections fifty-one and fifty-four Schedule
„ c 54.	The Statute Law Revision (No 2) Act, 1893 In part, namely,— Section three Schedules
* * *	* * *
„ c 62.	The Madras and Bombay Armies Act, 1893 In part, namely,— Section one, sub section (3) Sections two and three Schedule
* * *	* * *
57 & 58 Vict, c 3	The Army (Annual) Act, 1894. In part, namely,— Preamble Sections two, three and six. Schedule
* * *	* * *
„ c 30	The Finance Act, 1894 In part, namely,— Preamble
* * *	* * *

this present Parliament assembled, and by the authority of the same as follows —

Power to direct colonial judge to act as assessor of the Judicial Committee on hearing of appeals for the colony

1. (1) For the purpose of the hearing of any appeal to His Majesty in Council from any court in a British possession, His Majesty may if he thinks fit authorise any person who is or has been a judge of the court from which the appeal is made or a judge of a court to which an appeal lies from the court from which the appeal is made and whose services are for the time being available, to attend as an assessor of the Judicial Committee of the Privy Council on the hearing of the appeal.

(2) This section shall not apply to any British possession except the possessions specified in the schedule to this Act and any possession which may hereafter be added to that schedule by Order in Council

Provision as to persons being or having been judges in British India.

2. (1) If any person being or having been chief justice or judge of any High Court in British India is a member of His Majesty's Privy Council he shall if His Majesty so directs be a member of the Judicial Committee of the Privy Council.

(2) The number of persons being members of the Judicial Committee by reason of this section shall not exceed two at any one time.

(3) In this section the expression "High Court in British India" means the High Court of Bengal Madras, Bombay or the North Western Provinces or any other Court in British India which may for the time being be recognised for the purpose by Order in Council

Extension of 58 & 59 Vict., c. 44.

3. (1) Section one of the Judicial Committee Amendment Act, 1895 shall have effect as if the persons named therein included any person being or having been chief justice or a justice of the High Court of Australia or chief justice or judge of the Supreme Court of Newfoundland

(2) The schedule to the Judicial Committee Amendment Act 1895 shall be read as if the Transvaal and the Orange River Colony were included therein as South African Colonies.

Resignation of members of the Judicial Committee.

4. Any member of the Judicial Committee of the Privy Council may resign his office as member of that Committee by giving notice of his resignation in writing to the Lord President of the Council.

Power to make continuing Order instead of annual Order directing appeals to be referred to Judicial Committee

5. His Majesty may from time to time by Order in Council make a general Order directing that all appeals shall be referred to the Judicial Committee of the Privy Council until the Order is rescinded and section nine of the Judicial Committee Act 1814 shall have effect as if any such general Order for the time being in force were substituted in the first proviso to that section for the annual Order therein referred to and the time for which the Order remains in force were substituted for the twelve months next after the making of the general Order. The expression "appeals" in this section means appeals on petitions presented to His Majesty in Council and includes any complaints in the nature of appeals and any petitions in the matter of appeals.

6. (1) The Lord Chancellor may request the attendance at any time of any judge of the High Court to sit as an additional judge at the sittings of the Court of Appeal, and any judge whose attendance is so requested shall attend accordingly. Attendance of a judge of the High Court in the Court of Appeal.

(2) Every judge who attends in pursuance of this section shall be deemed to be an additional judge within the meaning of section four of the Supreme Court of Judicature Act, 1875, and section nineteen of the Appellate Jurisdiction Act, 1876 (which relate to the constitution of the Court of Appeal)

(3) The fifth paragraph of section four of the Supreme Court of Judicature Act, 1875, beginning with the words "The Lord Chancellor" and ending with the words "attend accordingly," is hereby repealed.

7. (1) This Act may be cited as the Appellate Jurisdiction Act, 1908.

(2) The provisions of this Act shall be in addition to and shall not affect any other enactment for the appointment of or relating to members of the Judicial Committee Short title and construction.

## SCHEDULE.

British India  
The Dominion of Canada  
The Commonwealth of Australia.  
The Dominion of New Zealand.  
Cape of Good Hope  
Natal  
Transvaal  
Orange River Colony  
Newfoundland

## EAST INDIA LOANS ACT, 1908.

(8 Edw. 7, c. 54.)

*An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the Construction, Extension, and Equipment of Railways in India by State Agency or through the Agency of Companies, for the Construction of Irrigation Works, and for other purposes.*

[21st December, 1908]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the East India Loans Act, 1908.

Short title,

## Definition.

2 In this Act the expression 'Secretary of State' means the Secretary of State in Council of India unless the context otherwise requires.

Power to raise 20,000,000*l*. for constructing, extending and equipping railways in India, for constructing irrigation works, and for other purposes.

3 It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another of others any sum or sums of money not exceeding in the whole twenty millions of pounds sterling to be applied—

- (1) in the construction, extension, and equipment of railways in India by State agency or through the agency of a company or companies under engagement with the Secretary of State or
- (2) in the repayment of the principal of any bonds or debentures issued by any such company under the guarantee of the Secretary of State or
- (3) in the discharge of any obligation incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company or on the determination of the contract of any such company with the Secretary of State
- (4) in the construction of irrigation works in India

Power to raise 5,000,000*l*. for the general purposes of the Government of India.

4. It shall also be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary in the manner mentioned in section three of this Act any sum or sums of money not exceeding in the whole five millions of pounds sterling for the general purposes of the Government of India

Power to apply securities created under this Act directly for or discharge of obligations.

5<sup>1</sup> The power given to the Secretary of State by this Act to raise moneys by means of stock or other securities created by him shall be deemed to include power to create such stock or other securities to be applied directly in exchange for or discharge of any of the bonds, debentures, or other obligations mentioned in sub-sections (2) and (3) of section three of this Act, in such manner as may be necessary for carrying out any arrangement made for the purpose

Provided that in calculating the amount of the moneys raised under this Act the capital value of any obligations exchanged for or discharged by means of stock or other securities created under this section shall be included as if an equivalent amount of money had been raised under this Act

Certain provisions of 56 & 57 Vict., c. 70 to apply Savings

6 Sections four to twelve inclusive sections fourteen to seventeen inclusive and section nineteen of the East India Loan Act 1893 shall be incorporated with this Act

7 This Act shall not prejudice or affect any power of raising or borrowing money or of creating or issuing securities vested in the Secretary of State at the time of passing thereof

## COMPANIES (CONSOLIDATION) ACT, 1908.

(8 Edw. 7, c. 69.)

(Sections 34-36, 274, 275, 295 and 296.)

*An Act to consolidate the Companies Act, 1862, and the Acts amending it.*

[21st December, 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

\* \* \* \* \*

## PART II

## DISTRIBUTION AND REDUCTION OF SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED, AND UNLIMITED LIABILITY OF DIRECTORS.

*Distribution of Share Capital*

\* \* \* \* \*

34. (1) A company having a share capital, whose objects comprise the transaction of business in a colony, may, if so authorised by its articles, cause to be kept in any colony in which it transacts business a branch register of members resident in that colony (in this Act called a colonial register) Power for company to keep colonial register

(2) The company shall give to the registrar of companies notice of the situation of the office where any colonial register is kept, and of any change in its situation, and of the discontinuance of the office in the event of its being discontinued

(3) For the purpose of the provisions of this Act relating to colonial registers the term "colony" includes British India and the Commonwealth of Australia

35 (1) A colonial register shall be deemed to be part of the company's register of members (in this and the next following section called the principal register) Regulations as to colonial register

(2) It shall be kept in the same manner in which the principal register is by this Act required to be kept except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district wherein the colonial register is kept, and that any competent court in the colony may exercise the same jurisdiction of rectifying the register as is under this Act exercisable by the High Court, and that the offences of refusing inspection or copies of a colonial register, and of authorising or permitting the refusal may be prosecuted summarily before any tribunal in the colony having summary criminal jurisdiction.



(3) The company shall transmit to its registered office a copy of every entry in its colonial register as soon as may be after the entry is made, and shall cause to be kept at its registered office, duly entered up from time to time, a duplicate of its colonial register and the duplicate shall for all the purposes of this Act be deemed to be part of the principal register

(4) Subject to the provisions of this section with respect to the duplicate register, the share registered in a colonial register shall be distinguished from the shares registered in the principal register and no transaction with respect to any shares registered in a colonial register shall, during the continuance of that registration be registered in any other register

(5) The company may discontinue to keep any colonial register and thereupon all entries in that register shall be transferred to some other colonial register kept by the company in the same colony or to the principal register

(6) Subject to the provisions of this Act any company may by its articles, make such provisions as it may think fit respecting the keeping of colonial registers.

36 In relation to stamp duties the following provisions shall have effect —

- (a) An instrument of transfer of a share registered in a colonial register shall be deemed to be a transfer of property situate out of the United Kingdom, and, unless executed in any part of the United Kingdom, shall be exempt from British stamp duty
- (b) On the death of a member registered in a colonial register the shares of the deceased member shall, if he died domiciled in the United Kingdom but not otherwise be deemed, so far as relates to British duties to be part of his estate and effects situate in the United Kingdom for or in respect of which probate or letters of administration is or are to be granted or whereof an inventory is to be exhibited and recorded, in like manner as if he were registered in the principal register

\* \* \* \* \*

## PART IX.

### COMPANIES ESTABLISHED OUTSIDE THE UNITED KINGDOM

274 (1) Every company incorporated outside the United Kingdom which establishes a place of business within the United Kingdom shall within one month from the establishment of the place of business file with the registrar of companies—

- (a) a certified copy of the charter statutes or memorandum and articles of the company or other instrument constituting or defining the constitution of the company and if the instrument is not written in the English language a certified translation thereof
- (b) a list of the directors of the company

Stamp  
duties in  
case of  
shares regis-  
tered in  
colonial  
registers.

Require-  
ments as to  
companies  
established  
outside the  
United  
Kingdom.

- (c) the names and addresses of some one or more persons resident in the United Kingdom authorised to accept on behalf of the company service of process and any notices required to be served on the company,

and, in the event of any alteration being made in any such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall within the prescribed time file with the registrar a notice of the alteration

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed,

(3) Every company to which this section applies shall in every year file with the registrar such a statement in the form of a balance sheet as would, if it were a company formed and registered under this Act and having a share capital, be required under this Act to be included in the annual summary

(4) Every company to which this section applies, and which uses the word "Limited" as part of its name, shall—

(a) in every prospectus inviting subscriptions for its shares or debentures in the United Kingdom state the country in which the company is incorporated, and

(b) conspicuously exhibit on every place where it carries on business in the United Kingdom the name of the company and the country in which the company is incorporated, and

(c) have the name of the company and of the country in which the company is incorporated mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company

(5) If any company to which this section applies fails to comply with any of the requirements of this section the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the default continues.

(6) For the purposes of this section—

The expression "certified" means certified in the prescribed manner to be a true copy or a correct translation,

The expression "place of business" includes a share transfer or share registration office,

The expression "director" includes any person occupying the position of director by whatever name called, and

The expression "prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of the company.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed.

Power of  
companies  
incorporated  
in British  
possessions  
to hold  
lands.

275 A company incorporated in a British possession which has filed with the registrar of companies the documents and particulars specified in paragraph (a) (b) and (c) of sub-section (1) of the last foregoing section shall have the same power to hold lands in the United Kingdom as if it were a company incorporated under this Act

\* \* \* \* \*

Short title. 295 This Act may be cited as the Companies (Consolidation) Act, 1908.

Commence-  
ment of Act. 296 This Act shall come into operation on the first day of April nineteen hundred and nine.

### ARMY (ANNUAL) ACT 1909

(9 Edw 7, c 3)

*An Act to provide, during Twelve Months for the Discipline and Regulation of the Army*

[30th April, 1909]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty three thousand two hundred, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within the realm by martial law or in any other manner than by the judgment of his peers and according to the

known and established laws of this realm, yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

44 & 45 Vict.,  
c 58

And whereas the Army Act will expire in the year one thousand nine hundred and nine on the following days —

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) Elsewhere whether within or without His Majesty's dominions, on the thirty-first day of July

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. This Act may be cited as the Army (Annual) Act, 1909 Short title
2. (1) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say) — Army Act to be in force for specified times
  - (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and nine to the thirtieth day of April one thousand nine hundred and ten, both inclusive, and
  - (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and nine to the thirty-first day of July one thousand nine hundred and ten, both exclusive
- (2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions
- (3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned
3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the First Schedule to this Act Prices in respect of billeting

#### AMENDMENTS OF ARMY ACT

4. There shall be transferred to the Army Council— Transfer of powers to Army Council
  - (a) All powers and duties conferred or imposed on a Secretary of State under the provisions of the Army Act specified in Part I of the Second Schedule to this Act, and

(b) All powers and duties conferred or imposed on the Commander in Chief and the Adjutant-General under the Army Act and accordingly the modifications set out in part II of that schedule shall be made in the Army Act

Provided that—

- (1) Nothing in this section shall affect the validity of any rules, regulations, orders, or other documents made or executed by a Secretary of State under any of the powers hereby transferred but all such rules, regulations, orders, and documents shall until revoked by the Army Council have effect as if made or executed by the Army Council and
- (2) The powers and duties transferred to the Army Council by this section shall, as from the commencement of this Act, be deemed to be business within the meaning of the Order in Council dated the tenth day of August nineteen hundred and four regulating the distribution of business amongst the members of the Army Council. The Secretary of State may however reserve to himself any part of such business and
- (3) Nothing in this section shall affect the responsibility of the Secretary of State to His Majesty and to Parliament

Amendment  
of 44 & 45  
Vict. c. 58,  
s. 115.

5 (1) In sub-section (2) of section one hundred and fifteen of the Army Act (which relates to the supply of carriages and vessels in cases of emergency) after the words 'carriages of every description' there shall be inserted the words "(including motor cars and other locomotives, whether for the purpose of carriage or haulage)"

(2) At the end of the same section the following sub-section shall be added

(9) The Army Council may by regulations under the Territorial and Reserve Forces Act 1907 assign to county associations established under that Act the duty of furnishing in accordance with the directions of the Army Council such carriages, animals, and vessels as may be required on mobilisation for the regular or auxiliary forces or any part thereof and where such regulations are made an officer of a county association shall have the same powers as are by this section conferred on an officer of the Army Council.

Amendment  
of 41 & 45  
Vict., c. 58,  
s. 122 (6).

6 In sub-section (6) of section one hundred and twenty two of the Army Act (which defines 'qualified officer' in relation to convening and confirming the findings and sentences of general courts-martial) for the words 'on whom the command of any body of regular forces may be conferred' there shall be substituted the words 'on whom the command of any part of His Majesty's forces may be conferred'

Amendment  
of 41 & 45  
Vict., c. 58,  
s. 122 (6).

7 The following section shall be inserted in the Army Act after section one hundred and eight —

108a (1) Where directions have been given for embodying all or any part of the Territorial Force His Majesty by Order distinctly stating that a case of emergency exists and signified by a Secretary of State and also in Ireland

the Lord Lieutenant by a like Order, signified by the Chief Secretary or Under-Secretary, may authorise any general or field officer commanding His Majesty's regular forces in any military district or place in the United Kingdom to issue a billeting requisition under this section

(2) Any officer so authorised may issue a billeting requisition under his hand reciting the said Order and requiring chief officers of police to provide billets in such places and for such number of officers and soldiers, and their horses, and for such period, as may be specified in the requisition

(3) The provisions of this Act as to billeting shall apply to billeting under such a requisition as if for references therein to a route there were substituted references to such a requisition, subject, however, to the following modifications.—

(a) The occupiers of all public buildings, dwelling-houses, warehouses, barns, and stables shall, as well as the keepers of victualling houses, be liable to billets, and the said provisions shall apply as if references to victualling houses and the keepers of victualling houses included references to such public buildings, dwelling-houses, warehouses, barns, and stables, and the occupiers thereof.

(b) The powers and duties conferred or imposed on constables shall be exercised and performed by the chief officers of police, and accordingly for references to constables in the said provisions there shall be substituted references to the chief officers of police and for the reference to a justice of the peace in sub-section (7) of section one hundred and eight there shall be substituted a reference to a court of summary jurisdiction, but a chief officer of police, in selecting the persons required to provide billets, and in determining the number of officers and soldiers to be billeted on any person, shall, so far as practicable, have regard to the convenience of the several occupiers, and shall act in accordance with any general instructions which may have been issued by the police authority.

(c) The prices to be paid to an occupier other than the keeper of a victualling house for accommodation furnished and food and fodder supplied by him shall be such as may be fixed by regulations made by the Army Council with the consent of the Treasury

(d) Sub-section (2) of section one hundred and three (which defines a route), paragraph (6) of section one hundred and eight (which relates to the power of a justice to vary a route), and paragraph (2) of Part II of the Second Schedule to the Army Act (which requires billets to be made out to the less distant victualling houses) shall not apply

(4) Any regulations as to prices so made shall be laid before each House of Parliament as soon as may be after they are made and, if within forty days after they have been so laid either House presents an address to His Majesty

s. 100, as to  
definition  
of the  
expression  
"Governor"

tion to a colony there shall be inserted the words "means the Governor General, Governor High Commissioner or Commissioner and"

## SCHEDULES

Section 3.

### FIRST SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I of the second Schedule to the Army Act.	Four pence each.
Dinner as so specified.	Elevenpence halfpenny each.
Supper as so specified.	Twopence halfpenny each.
Where no meals furnished, lodging and attendance, and candles, vinegar salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Stable room and ten pounds of oats, twelve pounds of hay and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer.	Two shillings per night.

tion 4.

### SECOND SCHEDULE

#### PART I

*Provisions conferring and imposing Powers and Duties on Secretary of State transferred to the Army Council.*

Sections 77 78 79 80 82 84 86 87, 88 91, 92, 93, 94 100 100 111, 113, 115 except sub-section (1) 118 119 137 138 (8) 139 140 (1) 142, 145 154 156 (1) 161 162 167 (1) 173 175 (7) 179 (12)

#### PART II

*Amendments of Army Act consequential on transfer of Powers to Army Council*

Provision of Army Act modified.	Modification to be made.
Sections 77 78, 79 80, 82, 84 86, 87 89, 91 92 93, 94 100 106 111 113, 115, (3) (4) (6), 118 119 (1) and ( ), 137 (4), 139 (8), 139, 140 (1), 142, 145 (2), 154 (5), ( ) and (8) 156 (1), 161 162 (4), 162, 1 5 (7), 179 (12).	For the words "a Secretary of State" "the Secretary of State" and "such Secretary of State" wherever those words respectively occur there shall be substituted the words "The Army Council."
Section 137 (1)	For the words "satisfied as satisfactory by the Commander-in-Chief to a Secretary of State" there shall be substituted the word "approved by the Army Council."

Provision of Army Act modified	Modification to be made
Section 163 (1) (b) and (c) . . . .	After the words "a Secretary of State," wherever they occur, there shall be inserted the words "or the Army Council"
Section 167 . . . . .	For the words "a Secretary of State or the Commander-in-Chief" there shall be substituted the words "the Army Council"
Section 179 (6) . . . . .	After the words "Secretary of State" there shall be inserted the words "and the Army Council."
Sections 42, 57 (2) (a), 75, 103, 163 (1) (c)	For the words "the Commander-in-Chief" and "Commander-in-Chief," wherever those words respectively occur, there shall be substituted the words "the Army Council"
Sections 59 (4) and (5), 64 (2) (3) and (1), and 67 (4) (a)	For the word "officers" there shall be substituted the word "authorities" and for the words "the Commander-in-Chief, the Adjutant-General" there shall be substituted the words "the Army Council"
Section 73 (3) . . . . .	For the words "the Commander-in-Chief or Adjutant-General" and the words "the Commander-in-Chief," where they lastly occur, there shall be substituted the words "the Army Council."
Section 101 . . . . .	For the words "the Commander-in-Chief or the Adjutant-General" there shall be substituted the words "the Army Council."
Section 122 (6) . . . . .	The words "the Commander-in-Chief and" shall be omitted
Section 172 (1) . . . . .	For the words "the Commander-in-Chief or the Adjutant-General" there shall be substituted the words "the Army Council," and after the words "on behalf of" there shall be inserted the words "the Army Council or"
Section 179 (7) . . . . .	For the words "The Commander-in-Chief, Adjutant-General," there shall be substituted the words "the Army Council" and for the words "Commander-in-Chief, Adjutant-General," there shall be substituted the words "Army Council"
Section 183 (2) and proviso (b)	For the words "The Commander-in-Chief" where they firstly occur in each of those provisions there shall be substituted the words "the Army Council"

Where, in consequence of the substitution of the Army Council for the Secretary of State or the Commander-in-Chief under the foregoing provisions of this Schedule, it is necessary to substitute words in the plural for words in the singular, such substitution shall be made.

#### INDIAN COUNCILS ACT, 1909.<sup>1</sup>

(9 Edw. 7, c. 4.)

*An Act to amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1833*

[25th May 1909]

BE it enacted by the King's Most Excellent Majesty by, and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in

<sup>1</sup> For power to extend the provisions of the Indian Councils Acts, 1861—1909 to territories for the time being under a Chief Commissioner, see the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), s. 3, *post*.



this present Parliament assembled, and by the authority of the same, as follows —

Amendment  
of constitution  
of  
Legislative  
Councils.

1 (1) The additional members of the councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and of the Governors of Fort Saint George and Bombay and the members of the Legislative Councils already constituted or which may hereafter be constituted of the several Lieutenant-Governors of Provinces instead of being all nominated by the Governor-General, Governor or Lieutenant-Governor in manner provided by the Indian Councils Acts, 1861<sup>24</sup> and 1892 shall include members so nominated and also members elected<sup>c. 55</sup> in accordance with regulations made under this Act and references in those Acts to the members so nominated and their nomination shall be construed<sup>a. 1</sup> as including references to the members so elected and their election

(2) The number of additional members or members so nominated and elected the number of such members required to constitute a quorum the term of office of such members and the manner of filling up casual vacancies occurring by reason of absence from India inability to attend to duty death acceptance of office or resignation duly accepted, or otherwise shall in the case of each such council be such as may be prescribed by regulations made under this Act

Provided that the aggregate number of members so nominated and elected shall not in the case of any Legislative Council mentioned in the first column of the First Schedule to this Act exceed the number specified in the second column of that schedule

Constitution  
and pro-  
cedure of  
Executive  
Councils of  
Governors of  
Fort Saint  
George and  
Bombay

2 (1) The number of ordinary members of the councils of the Governors of Fort Saint George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years

(2) If at any meeting of either of such councils there is an equality of votes on any question the Governor or other person presiding shall have two votes or the casting vote

Power to  
constitute  
provincial  
executive  
councils.

3 (1) It shall be lawful for the Governor-General in Council with the approval of the Secretary of State in Council by proclamation to create a council in the Bengal Division of the Presidency of Fort William for the purpose of assisting the Lieutenant-Governor in the executive government of the province and by such proclamation—

- (a) to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the council and
- (b) to make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise and for the procedure to be adopted in case of a

<sup>1</sup> The provisions of this subsection have been applied to the province of Bihar and Orissa by the Government of India Act 1912 (2 & 3 Geo. 5 c 6) s. 4.

difference of opinion between a Lieutenant-Governor and his council, and in the case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his council from indisposition or any other cause

(2) It shall be lawful for the Governor-General in Council, with the like approval, by a like proclamation to create a council in any other province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province. Provided that before any such proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft

(3) Where any such proclamation has been made with respect to any province the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his council, and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor in Council

(4) Every member of any such council shall be appointed by the Governor-General, with the approval of His Majesty, and shall, as such, be a member of the Legislative Council of the Lieutenant-Governor, in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act

4. The Governor-General, and the Governors of Fort Saint George and Bombay, and the Lieutenant-Governor of every province respectively shall appoint a member of their respective councils to be Vice-President thereof, and, for the purpose of temporarily holding and executing the office of Governor-General or Governor of Fort Saint George or Bombay and of presiding at meetings of council in the absence of the Governor-General, Governor or Lieutenant-Governor, the Vice-President so appointed shall be deemed to be the senior member of council and the member highest in rank, and the Indian Councils Act, 1861, and sections sixty-two and sixty-three of the Government of India Act, 1833, shall have effect accordingly

3 & 4 Will. 4,  
c 85

5. (1) Notwithstanding anything in the Indian Councils Act, 1861, the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every province, shall make rules authorising at any meeting of their respective legislative councils the discussion of the annual financial statement of the Governor-General in Council or of their respective local governments, as the case may be, and of any matter of general public interest, and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several councils

(2) Such rules as aforesaid may provide for the appointment of a member of any such council to preside at any such discussion in the place of the Governor General, Governor or Lieutenant-Governor, as the case may be, and of any Vice-President.

(3) Rules under this section where made by a Governor in Council or by a Lieutenant-Governor or a Lieutenant-Governor in Council shall be subject to the sanction of the Governor General in Council and where made by the Governor General in Council shall be subject to the sanction of the Secretary of State in Council, and shall not be subject to alteration or amendment by the Legislative Council of the Governor-General Governor, or Lieutenant Governor

6 The Governor-General in Council shall, subject to the approval of the Secretary of State in Council, make regulations as to the conditions under which and manner in which persons resident in India may be nominated or elected as members of the Legislative Councils of the Governor-General Governors and Lieutenant-Governors and as to the qualifications for being and for being nominated or elected a member of any such council, and as to any other matter for which regulations are authorised to be made under this Act, and also as to the manner in which those regulations are to be carried into effect. Regulations under this section shall not be subject to alteration or amendment by the Legislative Council of the Governor General

7 All proclamations, regulations and rules made under this Act other than rules made by a Lieutenant-Governor for the more convenient transaction of business in his council shall be laid before both Houses of Parliament as soon as may be after they are made

8 (1) This Act may be cited as the Indian Councils Act 1909 and shall be construed with the Indian Councils Acts 1861 and 1892 and those Acts the Indian Councils Act 1869, the Indian Councils Act, 1871, the Indian Councils Act 1874 the Indian Councils Act 1901, and this Act may be cited together as the Indian Councils Acts, 1861 to 1909

(2) This Act shall come into operation on such date or dates as the Governor-General in Council with the approval of the Secretary of State in Council may appoint and different dates may be appointed for different purposes and provisions of this Act and for different councils

On the date appointed for the coming into operation of this Act as respects any Legislative Council all the nominated members of the council then in office shall go out of office, but may if otherwise qualified be re-nominated or be elected in accordance with the provisions of this Act

(3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule

<sup>1</sup> The Act came into operation for all purposes and for all Councils on the 1<sup>st</sup> November 1909—see Gazette of India Extraordinary dated 18th November 1909 p. 1.

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## SCHEDULES.

## FIRST SCHEDULE.

*Maximum Numbers of Nominated and Elected Members of Legislative Councils.*

Legislative Council	Maximum number	Section 1
Legislative Council of the Governor General	60	
Legislative Council of the Governor of Fort Saint George	50	
Legislative Council of the Governor of Bombay	50	
[Legislative Council of the Governor of Fort William in Bengal	50]	
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh	50	
[Legislative Council of the Lieutenant-Governor of Bihar and Orissa	50]	
Legislative Council of the Lieutenant Governor of the Province of the Punjab	30	
Legislative Council of the Lieutenant Governor of the Province of Burma	30	
Legislative Council of the Lieutenant-Governor of any Province which may hereafter be constituted	30	

## SECOND SCHEDULE.

Section 8

*Enactments Repealed*

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Vict , c. 67	The Indian Councils Act, 1861	<p>In section ten, the words " not less than six nor more than twelve in number "</p> <p>In section eleven, the words " for the term of two years from the date of such nomination "</p> <p>In section fifteen, the words from " and the power of making laws and regulations " to " shall be present. "</p> <p>In section twenty-nine, the words " not less than four nor more than eight in number "</p> <p>In section thirty, the words " for the term of two years from the date of such nomination "</p> <p>In section thirty-four, the words from " and the power of making laws and regulations " to " shall be present. "</p> <p>In section forty-five, the words from " and the power of making laws and regulations " to " shall be present. "</p>
55 & 56 Vict , c. 14	The Indian Councils Act, 1892	<p>Sections one and two</p> <p>In section four, the words " appointed under the said Act or this Act " and paragraph (2)</p>

<sup>1</sup> Inserted by the Government of India Act, 1912 (2 & 3 Geo 5, c 6), schedule, by which the words " Legislative Council of the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William—50 " " Legislative Council of the Lieutenant-Governor of the Province of Eastern Bengal and Assam—50 " were repealed See *post*.

1254 *Naval Establishments in British Possessions* [9 Edw 7, c 18  
Act, 1909

~ *Naval Discipline Act, 1909* [9 Edw 7, c 14

NAVAL ESTABLISHMENTS IN BRITISH POSSESSIONS ACT 1909

(9 Edw 7, c. 18 )

*An Act to make better provision respecting Naval Establishments in British Possessions*

[20th October, 1909 ]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows —

Power to transfer Naval Establishments in British Possessions to the Governor thereof.

1. (1) It shall be lawful for His Majesty, on the representation of the Admiralty and of the Treasury that it is expedient to do so by Order in Council to vest any store yard, magazine, building or other property in any British possession held in trust for naval purposes (whether vested in His Majesty or in the Admiralty or in any officer) and the care and disposal of such property in the Governor of the possession for such estate and interest and upon such terms and conditions and subject to such reservations exceptions, and restrictions as may be specified in the Order and the Governor of the possession shall by virtue of this Act and the Order take and hold subject to the provisions of the Order the premises transferred to and vested in him accordingly

(2) Every representation to His Majesty proposed to be made under this Act shall be laid before both Houses of Parliament and shall lie for not less than forty days on the table of both Houses before it is submitted to His Majesty

(3) Nothing in an Order made in pursuance of this Act shall affect any estate interest, right or claim in or to any property comprised in the Order other than such as at the date of the Order was vested in or held in trust for His Majesty or the Admiralty

Short title

2 This Act may be cited as the Naval Establishments in British Possessions Act 1909

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NAVAL DISCIPLINE ACT 1909

(9 Edw 7, c. 14 )

*An Act to enable the punishment of Detention to be substituted for the punishment of Imprisonment for Offences against Naval Discipline under the Naval Discipline Act*

[20th November 1909 ]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in

this present Parliament assembled, and by the authority of the same, as follows —

1 (1) For the purpose of preventing persons subject to the Naval Discipline Act convicted of offences against discipline under that Act, and not dismissed from His Majesty's service, from being subjected to the stigma attaching to imprisonment there shall be added to the punishments specified in section fifty-two of the Naval Discipline Act the punishment of detention, which in the scale of punishments mentioned in that section shall come next before dismissal from His Majesty's service

Detention to be substituted for imprisonment as punishment for offences against discipline

(2) The maximum term of detention shall be two years, and a person sentenced to detention shall undergo the term of his detention either in naval detention quarters or in a detention barrack, or partly in one way and partly in another a person liable to imprisonment in a naval prison may be confined in naval detention quarters, but a person sentenced to detention shall not be confined in a prison

(3) The Admiralty shall have the same power of setting apart buildings or vessels or any parts thereof, as naval detention quarters as they have of setting apart such buildings or vessels or parts thereof as naval prisons

(4) For the purpose of giving effect to the foregoing provisions such amendments shall be made in the Naval Discipline Act as are set forth in the schedule to this Act

2 (1) Every enactment and word which is directed by the schedule to this Act to be substituted for or added to any portion of the Naval Discipline Act shall form part of that Act in the place assigned to it by the said schedule, and the Naval Discipline Act, and all Acts which refer thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the Naval Discipline Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and as if the Naval Discipline Act had been enacted with the omission of any enactment or word which is directed by the schedule to this Act to be omitted from that Act, and the expression "this Act" in the Naval Discipline Act shall be construed accordingly

Printing and construction of Naval Discipline Act

(2) A copy of the Naval Discipline Act with every such enactment and word inserted in the place so assigned, and with the omission of any portion of that Act directed by the schedule to this Act to be omitted from that Act, shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printers shall print in accordance with the copy so certified all copies of the Naval Discipline Act which are printed after the commencement of this Act

3. (1) This Act may be cited as the Naval Discipline Act, 1909

Short title and commencement

(2) This Act shall come into force on such day or days not being later than the first day of January nineteen hundred and eleven as the Admiralty may appoint, and the Admiralty may appoint different days for different places and stations, and for different provisions of this Act

## SCHEDULE

## MODIFICATIONS OF NAVAL DISCIPLINE ACT

Provisions of Naval Discipline Act to be amended.	Nature of Amendment.
Sections twenty three fifty three, paragraph (10) <del>fifty-six</del> , sub-section (2) <del>seventy four</del> sub-sections (1) and (3) <del>seventy-eight</del> ; <del>seventy nine</del> , and <del>eighty</del>	The words "or detention" shall be inserted after the word "imprisonment" wherever that word occurs.
Section twenty three	The words "with or without hard labour" shall be omitted.
Sections <del>forty-seven</del> <del>forty-eight</del> and <del>fifty-eight</del> , paragraph (8).	The word "person" shall be substituted for the word "prisoner" wherever that word occurs.
Section fifty two	After paragraph (4) there shall be inserted the following new paragraph:—
Section <del>fifty three</del>	"(4A) Detention."
	In paragraph (1) after the words "but so that there shall be inserted the following words "neither the degree nor the duration of," and the word "not" shall be omitted.
	After paragraph (9) the following new paragraph shall be inserted:—
	"(9A) The punishment of detention may be inflicted for any term not exceeding two years.
	At the end of paragraph (10) the following proviso shall be added:—
	"Provided that where the punishment awarded is detention for a term not exceeding fourteen days, the sentence may direct that the punishment shall not be accompanied by stoppage of pay or wages during the term of detention."
	In paragraph (11), after the words "no officer shall be subject" there shall be inserted the words "to detention or"
Sections <del>fifty-six</del> , sub-section (4); <del>sixty two</del> , and <del>sixty three</del>	The words "person charged" shall be substituted for the word "prisoner" wherever that word occurs.
Section <del>sixty-six</del>	After the word "imprisonment" there shall be inserted the words "or if the offender is a person liable to be sentenced to detention "under this Act by detention."
Sections <del>seventy and seventy four</del> sub-section (3).	For the words "his detention" there shall be substituted the words "detaining him."
Section <del>seventy two</del>	For the words "during his detention" there shall be substituted the words "while he is detained"
Section <del>seventy three</del>	For the words "imprisonment or of" there shall be substituted the word "detention, imprisonment or"
	The word "detention" shall be inserted before the word "imprisonment," wherever that word occurs in the first paragraph of this section.
	The words "or detention" shall be inserted after the word "imprisonment" where it first and secondly occurs in this provision.
	The word "in the approval" shall be inserted after the words "for any particular case."

Provisions of Naval Discipline Act to be amended	Nature of Amendment.
<p>Section seventy-four, sub section (1)</p> <p>Sub section (2)</p> <p>Sub section (3)</p>	<p>For the words "his imprisonment" there shall be substituted the words "the total term of his punishment"</p> <p>The word "any" shall be substituted for the word "either," where that word secondly occurs</p> <p>The words "imprisonment or detention" shall be substituted for the words "or of imprisonment"</p> <p>After the words "and may" there shall be inserted the words "in the case of imprisonment"</p> <p>After the words "appointed under this Act" there shall be inserted the words "or naval detention quarters"</p> <p>After the words "military prison" there shall be inserted the words "or detention barrack and may in the case of detention be any naval detention quarters or a military detention barrack"</p> <p>After the words "proper prison," where those words first occur there shall be inserted the words "or naval detention quarters."</p> <p>After the word "imprisonment," wherever that word occurs, there shall be inserted the words "or detention, as the case may be."</p> <p>After the words "proper prison," where those words secondly occur, there shall be inserted the words "or naval detention quarters, or, in the case of an offender under sentence of detention, to some place at which there are naval detention quarters"</p> <p>After the words "naval custody or" there shall be inserted the words "in the case of a person sentenced to imprisonment"</p>
<p>Section seventy-five</p>	<p>After the words "this Act" there shall be inserted the words "or of any offender undergoing or sentenced to undergo detention"</p> <p>After the words "house of correction" where those words first occur, there shall be inserted the words "or, in the case of an offender undergoing or sentenced to undergo detention, to the naval detention quarters"</p> <p>After the words "such prison," and after the words "house of correction," where those words secondly occur, there shall be inserted the words "or naval detention quarters"</p>
<p>Section seventy-six</p> <p>Sections seventy-six, seventy-eight and seventy-nine</p> <p>Section seventy-eight</p>	<p>After the words "naval prison" there shall be inserted the words "or naval detention quarters"</p> <p>For the word "prisoner," wherever that word occurs, there shall be substituted the word "offender"</p> <p>For the words "has been imprisoned" there shall be substituted the words "is undergoing imprisonment or detention"</p>
<p>Section seventy-nine</p>	<p>For the words "such detention takes place" there shall be substituted the words "he is so detained"</p>
<p>Section eighty</p>	<p>After the word "imprisoned" there shall be inserted the words "or undergoing detention"</p>
<p>Section eighty-one sub section (1)</p>	<p>After the word "confinement" there shall be inserted the words "or, in the case of a person sentenced to detention, such naval detention quarters."</p> <p>After the words "as naval prisons" there shall be inserted the words "or naval detention quarters"</p>



## SCHEDULE

## MODIFICATIONS OF NAVAL DISCIPLINE ACT

Provisions of Naval Discipline Act to be amended.	Nature of Amendment.
Sections twenty three fifty three, paragraph (10); fifty-six, sub-section (2); seventy four sub-sections (1) and (3); seventy-eight; seventy nine, and eighty	The words "or detention" shall be inserted after the word "imprisonment" wherever that word occurs.
Section twenty three	The words "with or without hard labour" shall be omitted.
Sections forty-seven, forty-eight and fifty-eight, paragraph (8).	The word "person" shall be substituted for the word "prisoner" wherever that word occurs.
Section fifty two	After paragraph (4) there shall be inserted the following new paragraph:—
Section fifty three	" (4A) Detention."
	In paragraph (1) after the words "but so that" there shall be inserted the following words "neither the degree nor the duration of," and the word "not" shall be omitted.
	After paragraph (9) the following new paragraph shall be inserted:—
	"(9A) The punishment of detention may be inflicted for any term not exceeding two years."
	At the end of paragraph (10) the following proviso shall be added:—
	"Provided that where the punishment awarded is detention for a term not exceeding fourteen days, the sentence may direct that the punishment shall not be accompanied by stoppage of pay or wages during the term of detention."
	In paragraph (11), after the words "no officer shall be subject" there shall be inserted the words "to detention or"
Sections fifty-six, sub-section (4); sixty two, and sixty three	The words "person charged" shall be substituted for the word "prisoner" wherever that word occurs.
Section sixty-six	After the word "imprisonment" there shall be inserted the words "or if the offender is personally liable to be sentenced to detention" under this Act by detention."
Sections seventy and seventy four sub-section (3).	For the words "his detention" there shall be substituted the words "detaining him"
Section seventy two	For the words "during his detention" there shall be substituted the words "while he is detained."
Section seventy three	For the words "imprisonment or of" there shall be substituted the word "detention, imprisonment or"
	The word "detention" shall be inserted before the word "imprisonment," wherever that word occurs in the first paragraph of this section.
	The words "or detention" shall be inserted after the word "imprisonment" where it first and secondly occurs in the proviso.
	The word "in the aggregate" shall be inserted after the words "for any period exceeding"

Provisions of Naval Discipline Act to be amended	Nature of Amendment.
<p>Section seventy-four, sub section (1)</p> <p>Sub section (2)</p> <p>Sub section (3)</p>	<p>For the words "his imprisonment" there shall be substituted the words "the total term of his punishment"</p> <p>The word "any" shall be substituted for the word "either," where that word secondly occurs</p> <p>The words "imprisonment or detention" shall be substituted for the words "or of imprisonment"</p> <p>After the words "and may" there shall be inserted the words "in the case of imprisonment"</p> <p>After the words "appointed under this Act" there shall be inserted the words "or naval detention quarters"</p> <p>After the words "military prison" there shall be inserted the words "or detention barrack and may in the case of detention be any naval detention quarters or a military detention barrack"</p> <p>After the words "proper prison," where those words first occur there shall be inserted the words "or naval detention quarters."</p> <p>After the word "imprisonment," wherever that word occurs, there shall be inserted the words "or detention, as the case may be"</p> <p>After the words "proper prison," where those words secondly occur, there shall be inserted the words "or naval detention quarters, or, in the case of an offender under sentence of detention, to some place at which there are naval detention quarters"</p>
<p>Section seventy-five</p> <p>Section seventy-six</p> <p>Sections seventy-six, seventy eight and seventy-nine</p> <p>Section seventy eight</p>	<p>After the words "naval custody or" there shall be inserted the words "in the case of a person sentenced to imprisonment"</p> <p>After the words "this Act" there shall be inserted the words "or of any offender undergoing or sentenced to undergo detention"</p> <p>After the words "house of correction" where those words first occur, there shall be inserted the words "or, in the case of an offender undergoing or sentenced to undergo detention, to the naval detention quarters"</p> <p>After the words "such prison," and after the words "house of correction," where those words secondly occur, there shall be inserted the words "or naval detention quarters"</p>
<p>Section seventy-nine</p> <p>Section eighty</p>	<p>After the words "naval prison" there shall be inserted the words "or naval detention quarters"</p> <p>For the word "prisoner," wherever that word occurs, there shall be substituted the word "offender"</p> <p>For the words "has been imprisoned" there shall be substituted the words "is undergoing imprisonment or detention"</p> <p>For the words "such detention takes place" there shall be substituted the words "he is so detained"</p> <p>After the word "imprisoned" there shall be inserted the words "or undergoing detention"</p> <p>After the word "confinement," there shall be inserted the words "or, in the case of a person sentenced to detention, such naval detention quarters"</p>
<p>Section eighty-one sub section (1)</p>	<p>After the words "as naval prisons" there shall be inserted the words "or naval detention quarters"</p>

Provisions of Naval Discipline Act to be amended.	Nature of Amendment.
Sub-section (3)	After the word "apart, where it secondly occurs, there shall be inserted the words "as naval prisons or naval detention quarters, as the case may be." After the words "to be naval prisons" there shall be inserted the words "or naval detention quarters respectively"
Section eighty-two	After the words "naval prisons" there shall be inserted the words "and naval detention quarters respectively" After the words "military prisons" there shall be inserted the words "and detention barracks respectively" After the words "for military" there shall be inserted the words "and of naval detention quarters for detention barracks." After the words "naval prison" there shall be inserted the words "or any such naval detention quarters." After the word "prisoner" wherever that word occurs, there shall be inserted the words "or person undergoing detention." After the words "such prison, the prison," or "said prison," wherever those words occur there shall be inserted the words "or naval detention quarters." After the word "correction" there shall be inserted the words "or of any naval detention quarters."

### EAST INDIA LOANS (RAILWAYS AND IRRIGATION) ACT, 1910

(10 Edw 7, c 5)

*An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for Public Works purposes*

[24th March 1910]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows:—

1 This Act may be cited as the East India Loans (Railways and Irrigation) Act, 1910

2 In this Act the expression "Secretary of State" means the Secretary of State in Council of India unless the context otherwise requires

3 It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary by the creation and issue of capital stock bonds debentures or bills or partly by one of such

modes and partly by another or others, any sum or sums of money not exceeding in the whole twenty-five million pounds sterling, to be applied to—

- (1) The construction, extension, and equipment of railways in India by State agency, or through the agency of a company or companies under engagement with the Secretary of State ,
- (2) The repayment of the principal of any bonds or debentures issued by any such company under the guarantee of the Secretary of State ,
- (3) The discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State ,

- (4) The construction of irrigation works in India

4. Sections four to twelve inclusive, sections fourteen to seventeen inclusive, and section nineteen of the East India Loan Act, 1893, and section five of the East India Loans Act, 1908, shall be incorporated with this Act

5. This Act shall not prejudice or affect any power of raising or borrowing money, or of creating or issuing securities, vested in the Secretary of State at the time of passing thereof

#### ARMY (ANNUAL) ACT, 1910.

(10 Edw. 7, c. 6.)

*An Act to provide, during twelve months, for the Discipline and Regulation of the Army*

[29th April, 1910.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-four thousand two hundred, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal

Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless, it being requisite, for the retaining all the before-mentioned forces and other persons subject to military law in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act will expire in the year one thousand nine hundred and ten on the following days — 44 & 45  
Vict. c.

(a) In the United Kingdom the Channel Islands, and the Isle of Man, on the thirtieth day of April and

(b) Elsewhere whether within or without His Majesty's dominions, on the thirty first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

1 title 1 This Act may be cited as the Army (Annual) Act 1910

Army Act to be in force for specified times. 2 (1) The Army Act shall be and remain in force during the periods hereinafter mentioned and no longer unless otherwise provided by Parliament (that is to say) —

(a) Within the United Kingdom the Channel Islands, and the Isle of Man from the thirtieth day of one thousand nine hundred and ten to the thirtieth day of April one thousand nine hundred and eleven both inclusive and

(b) Elsewhere whether within or without His Majesty's dominions from the thirty first day of July one thousand nine hundred and ten to the thirty first day of July one thousand nine hundred and eleven both inclusive

(2) The Army Act while in force shall apply to persons subject to military law whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the

time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act Prices in respect of billeting

#### AMENDMENT OF ARMY ACT

4. With a view to reducing the number of cases which have to be sent for trial by courts-martial owing to the limited powers of punishment exercisable by commanding officers, the maximum period of detention which may be awarded by a commanding officer who deals with a case summarily shall be twenty-eight days, and accordingly "twenty-eight" shall be substituted for "fourteen" in paragraph (a) of sub-section (2) of section forty-six of the Army Act, and sub-section (4) of the same section shall be repealed Amendment of s 46 of Army Act with respect to powers of commanding officers

#### SCHEDULE

Accommodation to be provided	Maximum price
Lodging and attendance for soldier where meals furnished	Sixpence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act	Fourpence each
Dinner as so specified	Elvenpence halfpenny each
Supper as so specified	Twopence halfpenny each
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day
Stableroom and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day
Lodging and attendance for officer	Two shillings per night.

*Note*—An officer shall pay for his food

#### THE REGENCY ACT, 1910

(10 Edw. 7 and 1 Geo. 5, c. 26.)

*An Act to provide for the Administration of the Government in case the Crown should descend to any issue of His Majesty while such issue shall be under the age of eighteen years, and for the care and guardianship of such issue*

[3rd August, 1910]

WHEREAS Your Majesty, by Your Majesty's Royal message to both Houses of Parliament, has been pleased to recommend that provision should be made for a Regency in certain events

Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm, by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless, it being requisite for the retaining all the before-mentioned forces and other persons subject to military law in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act will expire in the year one thousand nine hundred and ten on the following days — 44 & 45  
Vict. c. 58.

- (a) In the United Kingdom the Channel Islands and the Isle of Man, on the thirtieth day of April and
- (b) Elsewhere whether within or without His Majesty's dominions, on the thirty first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same as follows —

Short title

1 This Act may be cited as the Army (Annual) Act 1910

Army Act to be in force for specified times.

2 (1) The Army Act shall be and remain in force during the periods hereinafter mentioned and no longer unless otherwise provided by Parliament (that is to say) —

- (a) Within the United Kingdom the Channel Islands and the Isle of Man from the thirtieth day of one thousand nine hundred and ten to the thirtieth day of April one thousand nine hundred and eleven both inclusive and
- (b) Elsewhere whether within or without His Majesty's dominions from the thirty first day of July one thousand nine hundred and ten to the thirty first day of July one thousand nine hundred and eleven both inclusive

(2) The Army Act while in force shall apply to persons subject to military law whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the

time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act

Prices in respect of billeting

#### AMENDMENT OF ARMY ACT

4. With a view to reducing the number of cases which have to be sent for trial by courts-martial owing to the limited powers of punishment exerciseable by commanding officers, the maximum period of detention which may be awarded by a commanding officer who deals with a case summarily shall be twenty-eight days, and accordingly "twenty-eight" shall be substituted for "fourteen" in paragraph (a) of sub-section (2) of section forty-six of the Army Act, and sub-section (4) of the same section shall be repealed

Amendment of s 46 of Army Act with respect to powers of commanding officers

#### SCHEDULE

Accommodation to be provided	Maximum price
Lodging and attendance for soldier where meals furnished	Sixpence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act	Fourpence each
Dinner as so specified	Elvenpence halfpenny each.
Supper as so specified	Twopence halfpenny each
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day
Stableroom and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	One shilling and ninepence per day
Lodging and attendance for officer	Two shillings per night.

*Note*—An officer shall pay for his food

#### THE REGENCY ACT, 1910 (10 Edw. 7 and 1 Geo. 5, c. 26.)

*An Act to provide for the Administration of the Government in case the Crown should descend to any issue of His Majesty while such issue shall be under the age of eighteen years, and for the care and guardianship of such issue*

[3rd August, 1910]

WHEREAS Your Majesty, by Your Majesty's Royal message to both Houses of Parliament, has been pleased to recommend that provision should be made for a Regency in certain events



Now therefore we, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal and the Commons, in Parliament assembled, do most humbly beseech Your Majesty that it be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by the authority of the same, as follows —

Her Majesty  
Mary  
Regent.

1. (1) If on the demise of His present Majesty (whom God long preserve) any child of His Majesty succeeds to the Crown whilst under the age of eighteen years Her Majesty Queen Mary shall be the guardian, and have the care and tuition of such child until the child attained the age of eighteen years, and until that time shall have the disposition, ordering and management of all matters and things relating thereto

(2) Her Majesty Queen Mary shall until such child attain the age of eighteen years and no longer have full power and authority in the name of such child and in the stead of such child and under the style and title of the Regent to exercise and administer according to the laws and constitution thereof the Royal power and government of this realm and all the dominions countries, and territories belonging to the Crown thereof and use exercise and perform all prerogatives, authorities and acts of government and administration of government that belong to the Sovereign of this realm to use, execute and perform according to the laws thereof, but in such manner and subject to such conditions, restrictions limitations, and regulations as are contained in this Act

(3) All acts of Royal power prerogative, government and administration of government of any kind which shall be done or executed during the Regency established by this Act otherwise than by and with the consent and authority of the Regent in the manner and according to the directions prescribed by this Act, shall be absolutely null and void to all intents and purposes.

to be  
by  
Regent.

2 The Regent before she shall act or enter upon her office of Regent shall take the oaths set out in the Schedule to this Act before the Privy Council and the Privy Council are empowered and required to administer those oaths and to enter them in the Council books

Marriage of  
Sovereign  
under the  
age of  
eighteen  
forbidden  
during  
Regency  
without  
consent of  
Regent and  
Parliament.

3 (1) During the Regency the Sovereign for whom the Regent is appointed shall not intermarry before attaining the age of eighteen years with any person unless the consent in writing of the Regent and the assent of both Houses of Parliament is previously obtained and any marriage entered into in contravention of this section shall be null and void to all intents and purposes

(2) Any person who shall knowingly act and abet or be concerned in obtaining procuring or bringing about any marriage in contravention of this section and the person who shall be married to the Sovereign knowing that the marriage is a marriage in contravention of this section shall be guilty of a felony under the Treason Felony Act 1818

10 & 11  
Vict c 12

Regent not  
entitled to  
give the

4 The Regent shall not give or have power to give the Royal Assent to any Bill for repealing, changing or in any respect varying the order of course

2 Will 3, c.  
2 13 & 14  
Chas 2, c 4

of succession to the Crown of this realm, as established by the Act of Settlement, or to any Bill for repealing or altering an Act of the fifth year of the reign of Queen Anne, made in Scotland, intituled "An Act for securing the Protestant religion and Presbyterian government"

5 If Her Majesty Queen Mary shall, after becoming Regent, be reconciled to or hold communion with the See or Church of Rome, or shall profess the Roman Catholic religion, or shall marry a person professing the Roman Catholic religion, or shall cease to reside in or absent herself otherwise than temporarily from the United Kingdom, Her Majesty shall no longer be guardian and Regent; and all the powers and authorities which she may have derived under or by virtue of this Act shall thenceforth cease and determine

Royal Assent to any Act<sup>d</sup> altering the succession to the Crown, etc  
Powers of the Act to determine if Regent becomes Roman Catholic or marries Roman Catholic, or resides abroad  
Short title

6 This Act may be cited as the Regency Act, 1910

## SCHEDULE

1 I do swear that I will be faithful and bear true allegiance to [*here insert the name of the Sovereign*] his heirs and successors according to law So help me God

2 I do swear that I will truly and faithfully execute the office of Regent according to the Regency Act, 1910, and that I will administer the government of this realm and of all the dominions thereunto belonging according to the laws, customs, and statutes thereof, and will in all things to the utmost of my power and ability consult and maintain the safety, honour, and dignity of [*here insert the name of the Sovereign*] and the welfare of his people So help me God

3 I do faithfully promise and swear that I will inviolably maintain and preserve the Settlement of the true Protestant religion with the government, discipline, rights, and privileges of the Church of Scotland as established by law So help me God

## THE ACCESSION DECLARATION ACT, 1910

(10 Edw. 7 and 1 Geo. 5. c. 29.)

*An Act to alter the form of the Declaration required to be made by the Sovereign on Accession*

[3rd August, 1910]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 The declaration to be made, subscribed, and audibly repeated by the Sovereign under section 1 of the Bill of Rights and section 2 of the Act of

1 Will. &  
Mary,  
Sess. 2, c. 2,

Alteration  
of form of

1264 *The Accession Declaration Act* [10 Edw 7 & 1 Geo 5, c 29  
1910

*The Registration of Births, Deaths and Marriages (Scotland) Amendment Act 1910* [10 Edw 7 & 1 Geo 5, c 32]

accession  
declaration.

Settlement shall be that set out in the Schedule to this Act instead of that referred to in the said sections

12 & 13  
WUL 3 c

Short title.

2 This Act may be cited as the Accession Declaration Act, 1910

## SCHEDULE

1 [here insert the name of the Sovereign] do solemnly and sincerely in the presence of God profess, testify and declare that I am a faithful Protestant and that I will according to the true intent of the enactments which secure the Protestant succession to the Throne of my Realm uphold and maintain the said enactments to the best of my powers according to law

## THE REGISTRATION OF BIRTHS DEATHS AND MARRIAGES (SCOTLAND) AMENDMENT ACT 1910

(10 Edw 7 and 1 Geo 5, c. 32)

*An Act to amend the Law respecting the Authentication of Extracts under the Acts relating to the Registration of Births Deaths and Marriages in Scotland*

[3rd August 1910]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

Substitution  
of seal for  
signature of  
Registrar  
General for  
Scotland.

1 So much of section fifty-eight of the Registration of Births Deaths and Marriages (Scotland) Act 1851 as requires extracts of entries which shall be admissible as evidence to be signed by the Registrar General if such extracts shall be from the registers kept at the General Registry Office shall cease to have effect, and in lieu thereof it is hereby provided that the Registrar General shall cause to be made a seal of the said General Registry Office and the Registrar General shall cause to be sealed or stamped therewith all extracts of entries given in the said office and all extracts of entries purporting to be sealed or stamped with the seal of the said General Registry Office shall be deemed to be duly authenticated by the Registrar General and the provisions of the said section shall apply thereto as fully as if such authenticated extracts were signed by the Registrar General

17 & 18  
Vic. c. 80.

Short title,  
construction,  
and com-  
mencement.

2 (1) This Act may be cited as the Registration of Births Deaths and Marriages (Scotland) Amendment Act 1910 and may be cited with the Births Deaths and Marriages (Scotland) Acts 1851 to 1860 and this Act and the

10 Edw. 7 & 1 Geo. 5, c. 32 ] *The Registration of Births, Deaths* 1265  
*and Marriages (Scotland) Amendment Act, 1910*

1 Geo. 5, c. 3.] *The Army (Annual) Act, 1911.*

Registration of Births, Deaths and Marriages (Scotland) Act, 1854, shall be construed as one Act

(2) This Act shall come into operation on the expiration of three months from the passing thereof

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THE ARMY (ANNUAL) ACT, 1911.

(1 Geo. 5, c. 3.)

*An Act to provide, during twelve months, for the Discipline and Regulation of the Army*

[28th April, 1911]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-six thousand four hundred, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act will expire in the year one thousand nine hundred and eleven on the following day — 44 & 45 v  
c. 83

(a) In the United Kingdom the Channel Islands, and the Isle of Man on the thirtieth day of April and

(b) Elsewhere, whether within or without His Majesty's dominions on the thirty first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same as follows —

Short title.

1 This Act may be cited as the Army (Annual) Act 1911

Army Act to be in force for specified times.

2 (1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer unless otherwise provided by Parliament (that is to say) —

(a) Within the United Kingdom, the Channel Islands, and the Isle of Man from the thirtieth day of April one thousand nine hundred and eleven to the thirtieth day of April one thousand nine hundred and twelve both inclusive and

(b) Elsewhere whether within or without His Majesty's dominions, from the thirty first day of July one thousand nine hundred and eleven to the thirty first day of July one thousand nine hundred and twelve, both inclusive.

(2) The Army Act while in force shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine forces is either greater or less than the number herein before mentioned

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act

Prices in respect of billeting

#### *Amendments of Army Act*

4 (1) The power conferred on police authorities by section one hundred and fourteen of the Army Act of causing lists to be made out of persons liable to furnish carriages and animals and of the number and description of the carriages and animals of such persons may in England and Scotland be exercised either by the police authority or by the county association established under the Territorial and Reserve Forces Act 1907 and accordingly in that section the words 'the authority hereinafter mentioned' shall be substituted for the words 'the police authority' wherever those words occur and at the end of the section the following sub-section shall be added —

(4) The authority for the purposes of this section shall in England and Scotland be either the police authority of the county association established under the Territorial and Reserve Forces Act 1907 and in Ireland the police authority

Amendment of section 114 of the Army Act with respect to lists of carriages and animals.

7 Edw  
c. 9

(2) After sub-section (1) of the same section the following sub-section shall be inserted.—

“(1-A) For the purpose of assisting the authority hereinafter mentioned in the preparation of such list as aforesaid, any proper officer authorised in that behalf by the authority shall be entitled at all reasonable times to enter any premises in which he has reason to believe that any carriages or animals are kept, and to inspect any carriages or animals which may be found therein.

“If any such officer so authorised is obstructed in the exercise of his powers under this provision, a justice of the peace may, if satisfied by information on oath that the officer has been so obstructed, issue a search warrant authorising the constable named therein, accompanied by the officer, to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening, and to inspect any carriages or animals that may be found therein.

“In this provision the expression ‘proper officer’ means any officer or person of such rank, class, or description as may be specified in an order of the Army Council made for the purpose”

5 The following provision shall be inserted at the end of sub-section (3) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) —

“Where, by an order or decree sent to the Army Council or officer in accordance with sub-section (2) of this section, the soldier is adjudged to pay as costs incurred in obtaining the order or decree any sum left in the hands of the commanding officer under this sub-section, the Army Council may cause a sum equal to the sum so left to be paid in liquidation of the sum so adjudged to be paid as costs, and the amount so paid by the Army Council shall be a public debt from the soldier against whom the order or decree was made, and, without prejudice to any other method of recovery, may be recovered by deductions from his daily pay, in addition to those mentioned in sub-section (2) of this section”

### SCHEDULE

Section 3.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night
Breakfast as specified in Part I of the second Schedule to the Army Act	Fourpence each.
Dinner as so specified	Elevenpence halfpenny each,
Supper as so specified	Twopence halfpenny each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat	Sixpence per day
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	One shilling and ninepence per day
Lodging and attendance for officer	Two shillings per night.

*Note*—An officer shall pay for his food

MERCHANT SHIPPING (SEAMEN'S ALLOTMENT) ACT, 1911

(1 & 2 Geo 5, c 8)

*An Act to remove certain doubts as to the true interpretation of the Merchant Shipping Acts 1894 to 1906 in respect of the payment of Seamen's Allotment Notes*

[18th August 1911]

WHEREAS doubts have arisen as to the true interpretation of section one hundred and forty-one of the Merchant Shipping Act 1894 and section sixty two of the Merchant Shipping Act 1906

57 & 68 Vict.  
c 60  
6 Edw 7  
c 48.

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows —

1 By agreement with the master an allotment note may be granted to a seaman providing for—

- (a) payment of a greater sum than one half of the wages
- (b) payment at a period earlier than one month from the date of the agreement with the crew and at intervals more frequent than one month

2 This Act may be cited as the Merchant Shipping (Seamen's Allotment) Act, 1911

PARLIAMENT ACT, 1911

(1 & 2 Geo 5 c 13)

Arrangement of Sections

Section

- 1 Powers of House of Lords as to Money Bills.
- 2 Restriction of the powers of the House of Lords as to Bills other than Money Bills.
- 3 Certificate of Speaker
- 4 Enacting words
- 5 Provisional Order Bills excluded
- 6 Saving for existing rights and privileges of the House of Commons
- 7 Duration of Parliament
- 8 Short title

*An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons and to limit the duration of Parliament*

[18th August 1911]

WHEREAS it is expedient that provision should be made for regulating the relations between the two Houses of Parliament

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation :

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber but is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows. —

1 (1) If a Money Bill, having been passed by the House of Commons and sent up to the House of Lords at least one month before the end of the session is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill

House of  
Lords as to  
Money Bills

(2) A Money Bill means a Public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation, the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges, supply, the appropriation, receipt, custody, issue or audit of accounts of public money, the raising or guarantee of any loan or the repayment thereof, or subordinate matters incidental to those subjects or any of them. In this sub-section the expressions "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes

(3) There shall be endorsed on every Money Bill when it is sent up to the House of Lords and when it is presented to His Majesty for assent the certificate of the Speaker of the House of Commons signed by him that it is a Money Bill. Before giving the certificate, the Speaker shall consult, if practicable, two members to be appointed from the Chairman's Panel at the beginning of each Session by the Committee of Selection

2. (1) If any Public Bill (other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years) is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the third time by the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parlia-

Restriction  
of the powers  
of the  
House of  
Lords as to  
Bills other  
than Money  
Bills



ment on the Royal Assent being signified thereto notwithstanding that the House of Lords have not consented to the Bill. Provided that this provision shall not take effect unless two years have elapsed between the date of the second reading in the first of those sessions of the Bill in the House of Commons and the date on which it passes the House of Commons in the third of those sessions.

(2) When a Bill is presented to His Majesty for assent in pursuance of the provisions of this section, there shall be endorsed on the Bill the certificate of the Speaker of the House of Commons signed by him that the provisions of this section have been duly complied with.

(3) A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

(4) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the House of Lords in the former Bill in the preceding session, and any amendments which are certified by the Speaker to have been made by the House of Lords in the third session and agreed to by the House of Commons shall be inserted in the Bill as presented for Royal Assent in pursuance of this section.

{ Provided that the House of Commons may if they think fit on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and, if agreed to by that House shall be treated as amendments made by the House of Lords and agreed to by the House of Commons but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

Certificate  
of Speaker.

3 Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

Enacting  
words.

4. (1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows that is to say —

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same as follows.

(2) Any alteration of a Bill necessary to give effect to this section shall not be deemed to be an amendment of the Bill.

Provisional  
Order Bills  
excluded.

5 In this Act the expression Public Bill does not include any Bill for confirming a Provisional Order.

6. Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

Saving for existing rights and privileges of the House of Commons.

1 Geo. 1, stat 2, c 38.

7. Five years shall be substituted for seven years as the time fixed for the maximum duration of Parliament under the Septennial Act, 1715

Duration of Parliament.

8 This Act may be cited as the Parliament Act, 1911.

Short title

## INDIAN HIGH COURTS ACT, 1911

(1 & 2 Geo. 5, c. 18.)

### Arrangement of Sections

#### Section

- 1 Increase of number of judges of High Court
- 2 Power to establish additional High Courts
- 3 Power to appoint temporary judges
- 4 Salaries
5. Short title

### *An Act to amend the Indian High Courts Act, 1861*

[18th August, 1911 ]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

24 & 25 Vict., c 104.

1 The maximum number of judges of a High Court of Judicature in India, including the Chief Justice, shall be twenty, and section two of the Indian High Courts Act, 1861, shall have effect accordingly

Increase of number of judges of High Court.

2 The power of His Majesty under section sixteen of the Indian High Courts Act, 1861, may be exercised from time to time, and a High Court may be established under that section in any portion of the territories within His Majesty's dominions in India, whether or not included within the limits of the local jurisdiction of another High Court, and, where such a High Court is established in any part of such territories included within the limits of the local jurisdiction of another High Court, it shall be lawful for His Majesty by letters patent to alter the local jurisdiction of that other High Court and to make such incidental, consequential, and supplemental provisions as may appear to be necessary by reason of the alteration of those limits

Power to establish additional High Courts

3. Subject to the provisions of section two of the Indian High Courts Act, 1861, as amended by this Act, regulating the number and qualifications of judges, it shall be lawful for the Governor-General in Council to appoint from time to time persons to act as additional judges of any High Court for such period not exceeding two years as may be required, and the judges so

Power to appoint temporary judges

appointed shall whilst so acting have all the powers of a judge of the High Court appointed by His Majesty under section two of the said Act. Provided that such additional judges shall not be taken into account in determining the proportions specified in the proviso to that section.

Salaries.

4. The salaries of any judges or temporary judges appointed under this Act shall be paid out of the Revenues of India.

Short title.

5. This Act may be cited as the Indian High Courts Act 1911 and shall be construed as one with the Indian High Courts Act 1861, and that Act <sup>28 & 29 Vict. c. 16.</sup> and the Indian High Courts Act 1865, and this Act may be cited together as the Indian High Courts Acts 1861 to 1911.

#### GENEVA CONVENTION ACT, 1911

(1 & 2 Geo 5, c. 20)

*An Act to make such amendments in the Law as are necessary to enable certain reserved provisions of the Second Geneva Convention to be carried into effect*

[18th August 1911]

WHEREAS His Majesty has ratified with certain reservations the Convention for the amelioration of the condition of the wounded and sick of armies in the field, drawn up in Geneva in the year one thousand nine hundred and six, and it is desirable in order that those reservations may be withdrawn that such amendments should be made in the law as are in this Act contained

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

1 (1) As from the commencement of this Act it shall not be lawful for any person to use for the purposes of his trade or business or for any other purpose whatsoever without the authority of the Army Council the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland or the words Red Cross or Geneva Cross and if any person acts in contravention of this provision he shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the emblem or words were used.

(2) Where a company or society is guilty of any such contravention, without prejudice to the liability of the company or society every director manager secretary and other officer of the company or society who is knowingly a party to the contravention shall be guilty of an offence against this Act and liable to the like penalty.

(3) Nothing in this section shall affect the right (if any) of the proprietor of a trade mark registered before the passing of this Act and containing any such emblem or words to continue to use such trade mark for a period of

Prohibition  
of use of  
emblem of  
red cross on  
white ground,  
etc.

- 1 & 2 Geo. 5, c.20.] *Geneva Convention Act, 1911* 1273  
 1 & 2 Geo. 5, c. 25.] *Government of India Act Amendment Act, 1911*  
 1 & 2 Geo. 5, c. 28.] *Official Secrets Act, 1911*

four years from the passing of this Act, and, if the period of the registration or of the renewal of registration of any such trade mark expires during those four years, the registration thereof may be renewed until the expiration of those four years, but without payment of any fee

(4) Proceedings under this Act shall not in England or Ireland be instituted without the consent of the Attorney-General

(5) This Act shall extend to His Majesty's possessions outside the United Kingdom subject to such necessary adaptations as may be made by Order in Council

2 This Act may be cited as the Geneva Convention Act, 1911

Short title

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## GOVERNMENT OF INDIA ACT AMENDMENT ACT, 1911

(1 & 2 Geo. 5, c. 25.)

*An Act to amend the Government of India Act, 1858*

[18th August, 1911]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 In section eighteen of the Government of India Act, 1858, the words "or to his legal personal representative such gratuity" shall be inserted after the words "such compensation, superannuation, or retiring allowance" where they secondly occur, and the words "or to personal representatives of such persons" shall be inserted after the words "public service," and also at the end of the section

Amendment  
of 21 & 22  
Vict, c 106.

2 Any grant to the legal personal representative of a deceased officer or servant on the establishment of the Secretary of State in Council made out of the revenues of India before the passing of this Act shall be deemed to have been lawfully made

Confirmation  
of past grant  
of gratuity

3 This Act may be cited as the Government of India Act Amendment Act, 1911

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## OFFICIAL SECRETS ACT, 1911

(1 & 2 Geo. 5, c. 28.)

*An Act to re-enact the Official Secrets Act, 1889, with Amendments*

[22nd August, 1911.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in

this present Parliament assembled, and by the authority of the same, as follows —

1 (1) If any person for any purpose prejudicial to the safety or interest of the State—

- (a) approaches or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act, or
- (b) makes any sketch plan, model or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy or
- (c) obtains or communicates to any other person any sketch plan, model article, or note or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy

he shall be guilty of felony and shall be liable to penal servitude for any term not less than three years and not exceeding seven years.

(2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State and if any sketch, plan model, article note, document, or information relating to or used in any prohibited place within the meaning of this Act, or anything in such a place, is made, obtained, or communicated by any person other than a person acting under lawful authority it shall be deemed to have been made, obtained, or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

2 (1) If any person having in his possession or control any sketch, plan model article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained owing to his position as a person who holds or has held office under His Majesty or as a person who holds or has held a contract made on behalf of His Majesty or as a person who is or has been employed under a person who holds or has held such an office or contract,—

- (a) communicates the sketch, plan, model, article note, document or information to any person other than a person to whom he is authorised to communicate it, or a person to whom it is in the interests of the State his duty to communicate it or

- (b) retains the sketch, plan, model article, note or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it

that person shall be guilty of a misdemeanour

Wrongful communication, etc. of information.

(2) If any person receives any sketch, plan, model, article, note, document, or information, knowing or having reasonable ground to believe, at the time when he receives it, that the sketch, plan, model, article, note, document or information is communicated to him in contravention of this Act, he shall be guilty of a misdemeanour unless he proves that the communication to him of the sketch, plan, model, article, note, document, or information was contrary to his desire

(3) A person guilty of a misdemeanour under this section shall be liable to imprisonment with or without hard labour for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.

3. For the purpose of this Act, the expression "prohibited place" means—

- (a) any work of defence, arsenal, factory, dockyard, camp, ship, tele-graph or signal station, or office belonging to His Majesty, and any other place belonging to His Majesty used for the purpose of building, repairing, making or storing any ship, arms or other materials or instruments of use in time of war, or any plans or documents relating thereto, and
- (b) any place not belonging to His Majesty where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty, and
- (c) any place belonging to His Majesty which is for the time being declared by a Secretary of State to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and
- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by a Secretary of State to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy

4 Any person who attempts to commit any offence under this Act, or incites, or counsels, or attempts to procure another person to commit an offence under this Act shall be guilty of felony or of a misdemeanour according as the offence in question is felony or misdemeanour, and on conviction shall be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence

Person charged with felony under Act, may be convicted of misdemeanour under Act.

5 Any person charged with an offence which is a felony under this Act may, if the circumstances warrant such a finding, be found guilty of an offence which is a misdemeanour under this Act

Power to arrest.

6 Any person who is found committing an offence under this Act, whether that offence is a felony or not or who is reasonably suspected of having committed or having attempted to commit, or being about to commit, such an offence, may be apprehended and detained in the same manner as a person who is found committing a felony

Penalty for harbouring spies.

7 If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under this Act or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons or if any person having harboured any such person or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully refuses to disclose to a superintendent of police any information which it is in his power to give in relation to any such person he shall be guilty of a misdemeanour and liable to imprisonment with or without hard labour for a term not exceeding one year or to a fine or to both imprisonment and a fine

Restriction on prosecution.

8 A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained but no further or other proceedings shall be taken until that consent has been obtained.

Search warrants.

9 (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorising any constable named therein to enter at any time any premises or place named in the warrant if necessary by force and to search the premises or place and every person found therein, and to seize any sketch plan model article note or document or anything of a like nature or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or on any such person and with regard to or in connexion with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed

(2) Where it appears to a superintendent of police that the case is one of great emergency and that in the interest of the State immediate action is necessary he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this section.

10 (1) This Act shall apply to all acts which are offences under this Act when committed in any part of His Majesty's dominions, or when committed by British officers or subjects elsewhere

Extent of  
Act and  
place of trial  
of offence

(2) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, and determined, in any competent British court in the place where the offence was committed, or in the High Court in England or the Central Criminal Court, and the Criminal Jurisdiction Act, 1802, shall apply in like manner as if the offence were mentioned in that Act, and the Central Criminal Court as well as the High Court possessed the jurisdiction given by that Act to the Court of King's Bench

42 Geo 3,  
c 85

(3) An offence under this Act shall not be tried by any court of general or quarter sessions, nor by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law

50 & 51 Vict.,  
c 20

(4) The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act

11 If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to His Majesty to be of the like effect as those contained in this Act, His Majesty may, by Order in Council, suspend the operation within that British possession of this Act, or of any part thereof, so long as that law continues in force there, and no longer, and the Order shall have effect as if it were enacted in this Act.

Saving for  
laws of  
British  
possessions

Provided that the suspension of this Act, or of any part thereof, in any British possession shall not extend to the holder of an office under His Majesty who is not appointed to that office by the Government of that possession

12 In this Act, unless the context otherwise requires,—

Interpreta-  
tion

Any reference to a place belonging to His Majesty includes a place belonging to any department of the Government of the United Kingdom or of any British possessions, whether the place is or is not actually vested in His Majesty,

The expression "Attorney-General" means the Attorney or Solicitor-General for England, and as respects Scotland, means the Lord Advocate, and as respects Ireland, means the Attorney or Solicitor-General for Ireland, and, if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated or received. Expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the



copying or causing to be copied the whole or any part of any sketch, plan, model, article, note or document and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document

The expression "document" includes part of a document

The expression "model" includes design, pattern, and specimen

The expression "sketch" includes any photograph or other mode of representing any place or thing

The expression "superintendent of police" includes any police officer of a like or superior rank

The expression "office under His Majesty" includes any office or employment in or under any department of the Government of the United Kingdom or of any British possession

The expression "offence under this Act" includes any act, omission or other thing which is punishable under this Act

Short title  
and repeal.

13 (1) This Act may be cited as the Official Secrets Act 1911

(2) The Official Secrets Act 1889, is hereby repealed.

53 & 53  
c. 52.

# MERCHANT SHIPPING ACT 1911

(1 & 2 Geo 5, c. 42)

*An Act to give jurisdiction under section seventy-six and Part VIII of the Merchant Shipping Act, 1894 to certain British Courts in foreign countries*

[16th December 1911]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same as follows:—

Extension of  
jurisdiction  
under s. 76  
and Part VIII  
of 57 & 58  
Vict. c. 60,  
to certain  
British  
Courts in  
foreign  
countries.

1 (1) Among the courts before which a ship may be brought for adjudication under section seventy-six of the Merchant Shipping Act 1894 (which relates to proceedings on forfeiture of a ship) there shall be included any British Court in a foreign country being a court having Admiralty jurisdiction as if such a court were included among the courts specified in that section, and that section shall be construed and have effect accordingly

(2) Any such British Court shall also have jurisdiction to entertain any proceedings under Part VIII of the Merchant Shipping Act, 1894, and accordingly section five hundred and four of that Act (which relates to the power of courts to consolidate claims against owners) shall be construed and have effect as if such a court were included among the courts to which an application under that section may be made

(3) In this Act the expression " British Court in a foreign country " means any British Court having jurisdiction out of His Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise.

2. This Act may be cited as the Merchant Shipping Act, 1911, and shall be construed as one with the Merchant Shipping Act, 1894, and the Merchant Shipping Acts, 1894 to 1907, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1911.

Short title  
and construc-  
tion

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COPYRIGHT ACT, 1911

(1 & 2 Geo. 5, c. 46)

ARRANGEMENT OF SECTIONS.

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PART I.

IMPERIAL COPYRIGHT.

*Rights.*

Section.

1. Copyright
2. Infringement of copyright.
3. Term of copyright
4. Compulsory licences
5. Ownership of copyright, etc

*Civil Remedies*

6. Civil remedies for infringement of copyright
7. Rights of owner against persons possessing or dealing with infringing copies, etc.
8. Exemption of innocent infringer from liability to pay damages, etc.
9. Restriction on remedies in the case of architecture
10. Limitation of actions.

*Summary Remedies.*

11. Penalties for dealing with infringing copies, etc.
12. Appeals to quarter sessions
13. Extent of provisions as to summary remedies.

*Importation of Copies.*

14. Importation of copies.

*Delivery of Books to Libraries*

## Section.

- 15 Delivery of copies to British Museum and other libraries

*Special Provisions as to certain Works,*

- 16 Works of joint authors  
 17 Posthumous works  
 18 Provisions as to Government publications.  
 19 Provisions as to mechanical instruments  
 20 Provision as to political speeches  
 21 Provisions as to photographs  
 22 Provisions as to designs registrable under 7 Edw 7 c 29  
 23 Works of foreign authors first published in parts of His Majesty's dominions to which Act extends  
 24 Existing works

*Application to British Possessions*

- 25 Application of Act to British Dominions  
 26 Legislative powers of self-governing Dominions  
 27 Power of Legislatures of British possessions to pass supplemental legislation  
 28 Application to protectorates

## PART II

## INTERNATIONAL COPYRIGHT

- 29 Power to extend Act to foreign works  
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## PART III

## SUPPLEMENTAL PROVISIONS

- 31 Abrogation of common law rights  
 32 Provisions as to Orders in Council.  
 33 Saving of university copyright  
 34 Saving of compensation to certain libraries  
 35 Interpretation.  
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 SCHEDULES.

CHAPTER 46.<sup>1</sup>

*An Act to amend and consolidate the law relating to Copyright.*

[16th December, 1911]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

## PART I

## IMPERIAL COPYRIGHT.

*Rights*

1.—(1) Subject to the provisions of this Act, copyright shall subsist through- Copyright  
out the parts of His Majesty's dominions to which this Act extends for the term herein-after mentioned in every original literary, dramatic, musical and artistic work, if—

- (a) in the case of a published work the work was first published within such parts of His Majesty's dominions as aforesaid, and
- (b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid,

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public, if the work is unpublished, to publish the work or any substantial part thereof, and shall include the sole right—

- (a) to produce, reproduce, perform or publish any translation of work,
- (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (c) in the case of a novel or other non-dramatic work, or of an artistic work to convert it into a dramatic work, by way of performance in public or otherwise,
- (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise any such acts, as aforesaid

<sup>1</sup> As to application to India, see footnote to s 30 (2) *infra*

(3) For the purposes of this Act publication in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture the exhibition in public of an artistic work, or the construction of an architectural work of art but, for the purposes of this provision the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works

Infringe-  
ment of  
copyright.

2 —(1) Copyright in a work shall be deemed to be infringed by any person who without the consent of the owner of the copyright does anything the sole right to do which is by this Act conferred on the owner of the copyright Provided that the following acts shall not constitute an infringement of copyright —

- (i) Any fair dealing with any work for the purposes of private study research, criticism review or newspaper summary
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work
- (iii) The making or publishing of paintings drawings engravings or photographs of a work of sculpture or artistic craftsmanship if permanently situate in a public place or building, or the making or publishing of paintings drawings engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art
- (iv) The publication in a collection mainly composed of non-copyright matter *bond fide* intended for the use of schools and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists Provided that not more than two of such passages from works by the same author are published by the same publisher within five years and that the source from which such passages are taken is acknowledged
- (v) The publication in a newspaper of a report of a lecture delivered in public unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship in a position near the lecturer but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries
- (vi) The reading or recitation in public by one person of any reasonable extract from any published work,

(2) Copyright in a work shall also be deemed to be infringed by any person who—

- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire ; or
- (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright , or
- (c) by way of trade exhibits in public , or
- (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting that the performance would be an infringement of copyright

3 The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death Term of copyright

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent on the price at which he publishes the work , and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties

4 If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit. Compulsory licences.

Ownership  
of copyright,  
etc.

5—(1) Subject to the provisions of this Act the author of a work shall be the first owner of the copyright therein

Provided that—

- (a) where in the case of an engraving photograph or portrait the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order then, in the absence of any agreement to the contrary the person by whom such plate or other original was ordered shall be the first owner of the copyright and
- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper magazine or similar periodical there shall in the absence of any agreement to the contrary be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper magazine or similar periodical

(2) The owner of the copyright in any work may assign the right, either wholly or partially and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends and either for the whole term of the copyright or for any part thereof and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made or by his duly authorised agent

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty five years from the death of the author and the reversionary interest in the copyright expectant on the termination of that period shall on the death of the author notwithstanding any agreement to the contrary devolve on his legal personal representatives as part of his estate and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work

(3) Where, under any partial assignment of copyright the assignee becomes entitled to any right comprised in copyright the assignee as respects the right so assigned and the assignor as respects the rights not assigned shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly

*Civil Remedies*

6 —(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right. Civil remedies for infringement of copyright.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court

(3. In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work,

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein

7. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof. Rights of owner against persons possessing or dealing with infringing copies, etc.

8 Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work. Exemption of innocent infringer from liability to pay damages, etc.

9 —(1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition. Restriction on remedies in the case of architecture.

(2) Such of the other provisions of this Act as provided that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.



Limitation of  
actions.

10 An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement

### Summary Remedies

Penalties for  
dealing with  
infringing  
copies, etc.

11 —(1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists or
- (b) sells or lets for hire or by way of trade exposes or offers for sale or hire any infringing copy of any such work or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright or
- (d) by way of trade exhibits in public any infringing copy of any such work or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section but not exceeding fifty pounds in respect of the same transaction or in the case of a second or subsequent offence either to such fine or to imprisonment with or without hard labour for a term not exceeding two months

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding fifty pounds or in the case of a second or subsequent offence either to such fine or to imprisonment with or without hard labour for a term not exceeding two months

(3) The court before which any such proceedings are taken may whether the alleged offender is convicted or not order that all copies of the work or all plates in the possession of the alleged offender which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit

2 Edw 7  
c. 15.  
6 Edw 7  
c. 36.

(4) Nothing in this section shall, as respects musical works affect the provisions of the Musical (Summary Proceedings) Copyright Act 1902 or the Musical Copyright Act 1906

Appeals to  
quarter  
sessions

12 Any person aggrieved by a summary conviction of an offence under the foregoing provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts

13 The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

Extent of provisions as to summary remedies

*Importation of Copies.*

14 —(1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

Importation of copies

39 & 40 Vict , c 36

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention, and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876. Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

*Delivery of Books to Libraries.*

15 —(1) The publisher of every book published in the United Kingdom, shall, within one month after the publication, deliver, at his own expense, a

Delivery of copies to British

Museum  
and other  
libraries.

copy of the book to the trustees of the British Museum who shall give a written receipt for it

(2) He shall also if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depôt in London named in the demand a copy of the book for or in accordance with the directions of the authority having the control of each of the following libraries namely the Bodleian Library Oxford, the University Library Cambridge the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia newspaper review magazine or work published in a series of numbers or parts the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale and shall be in the like condition as the books prepared for sale

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression book includes every part or division of a book pamphlet, sheet of letterpress sheet of music, map, plan chart or table separately published but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps prints or other engravings belonging thereto

#### *Special Provisions as to certain Works*

Works of  
joint authors.

16—(1) In the case of a work of joint authorship copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death or during the life of the author who dies last whichever period is the longer and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from

the death of the author who dies first or after the death of the author who dies last whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof.

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

17.—(1) In the case of a literary, dramatic or musical work, or an engraving in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

18 Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

19 —(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the

owner of such original plate at the time when such plate was made shall be deemed to be the author of the work and where such owner is a body corporate the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records perforated rolls or other contrivances by means of which the work may be mechanically performed if such person proves—

- (a) that such contrivances have previously been made by or with the consent or acquiescence of, the owner of the copyright in the work and
- (b) that he has given the prescribed notice of his intention to make the contrivances and has paid in the prescribed manner to or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him calculated at the rate hereinafter mentioned

Provided that—

(i) nothing in this provision shall authorise any alterations in, or omissions from the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by or with the consent or acquiescence of the owner of the copyright or unless such alterations or omissions are reasonably necessary for the adaption of the work to the contrivance in question and

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same be two and one-half per cent and
- (b) in the case of contrivances sold as aforesaid after the expiration of that period five per cent

on the ordinary retail selling price of the contrivance calculated in the prescribed manner so however that the royalty payable in respect of a contrivance shall, in no case be less than a half penny for each separate musical work in which copyright subsists reproduced thereon and, where the royalty calculated as aforesaid includes a fraction of a farthing such fraction shall be reckoned as a farthing

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament, but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision

(1) If any such contrivance is made reproducing two or more different works in which copy right subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions —

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply

(b) The rate of two and one-half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of

contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee and the royalties aforesaid shall be payable to and for the benefit of the author of the work or his legal personal representatives

- (d) The saving contained in this Act of the rights and interests arising from or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances whether made before or after the passing of this Act except on the terms and subject to the conditions laid down in this section
- (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country the copyright so conferred shall not except to such extent as may be provided by the Order include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act copyright shall, as from the commencement of this Act subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived

Provided that—

- (i) the person who at the commencement of this Act is the owner of such original plate shall be the first owner of such copyright and
- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance if this provision had been in force at the time of the making of the first-mentioned contrivance

Provision as to political speeches.

20 Notwithstanding anything in this Act it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper

Provisions as to photographs.

21 The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and where such owner is a body corporate the body corporate shall be deemed for the purposes of this Act to reside within the

parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts

22 —(1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process

Provisions as to designs registrable under 7 Edw. 7, c. 29

(2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23 If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works

Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.

24 —(1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder

Existing works.

Provided that—

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine, but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or



- (ii) without any such assignment or grant to continue to reproduce or perform the work in like manner as theretofore subject to the payment if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the authors as failing agreement may be determined by arbitration or where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work without any such payment.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author or if he cannot with reasonable diligence be found advertised in the London Gazette and in two London newspapers.

- (b) where any person has, before the twenty sixth day of July nineteen hundred and ten taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would but for the passing of this Act have been lawful nothing in this section shall diminish or prejudice any rights or interests arising from or in connexion with such action which are subsisting and valuable at the said date unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as failing agreement may be determined by arbitration.

(2) For the purposes of this section, the expression author includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section nineteen sub-sections (7) and (8) and of section thirty three of this Act copyright shall not subsist in any work made before the commencement of this Act otherwise than under and in accordance with, the provisions of this section.

Application  
of Act to  
British  
dominions.

25—(1) This Act except such of the provisions thereof as are expressly restricted to the United Kingdom shall extend throughout His Majesty's dominions. Provided that it shall not extend to a self-governing dominion unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions or with such modifications and additions relating exclusively to procedure and remedies or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

(2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects)

were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends, and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act

26 —(1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion. Legislative powers of self-governing dominions. Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends

(2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion

(3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned dominion, and to works first published in that dominion, but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection, authorised to confer within other parts of His Majesty's dominions

For the purposes of this sub-section, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends

27 The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the Power of Legislatures of British

possessions  
to pass  
supplemental  
legislation.

possession, but, except so far as such modifications and additions relate to procedure and remedies they shall apply only to works the authors whereof were at the time of the making of the work, resident in the possession and to works first published in the possession

Application  
to protec-  
torates.

28 His Majesty may by Order in Council, extend this Act to any territories under his protection and to Cyprus and, on the making of any such Order, this Act shall, subject to the provisions of the Order have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends

## PART II

### INTERNATIONAL COPYRIGHT

29—(1) His Majesty may by Order in Council direct that this Act (except such parts, if any thereof as may be specified in the Order) shall apply—

- (a) to works first published in a foreign country to which the Order relates in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends
- (b) to literary dramatic musical, and artistic works or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the Order relates, in like manner as if the authors were British subjects
- (c) in respect of residence in a foreign country to which the Order relates in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends

and thereupon subject to the provisions of this Part of this Act and of the Order this Act shall apply accordingly

Provided that—

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright) His Majesty shall be satisfied that that foreign country has made or has undertaken to make such provisions if any as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country except so far as is provided by the Order

Power to  
extend Act  
to foreign  
works.

(ii) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;

(i) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country,

(ii) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886.

49 & 50 Vict.,  
c 33

(2) An Order in Council under this section may extend to all the several countries named or described therein.

30 An Order in Council under this part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply

Application  
of Part II  
to British  
possessions

<sup>1</sup>(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly

(3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order

### PART III

#### SUPPLEMENTAL PROVISIONS

31 No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence

Abrogation  
of common  
law rights.

<sup>1</sup> For Proclamation applying this Statute to India see Notn No 55, dated 30th October, 1912, Gazette of India, Extraordinary, dated 30th October 1912

Provisions  
as to Orders  
in Council.

32—(1) His Majesty in Council may make Orders for altering revoking or varying any Order in Council made under this Act or under any enactments repealed by this Act but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation and shall provide for the protection of such rights and interests

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made and shall have effect as if enacted in this Act

Saving of  
university  
copyright.  
15 Geo. 3,  
c. 53.

33 Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act 1775 of any copyright they already possess under that Act but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act

Saving  
of compensa-  
tion to cer-  
tain libraries.

34 There shall continue to be charged on and paid out of the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books

Provided that this compensation shall not be paid to a library in any year unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library

interpreta-  
tion.

35—(1) In this Act unless the context otherwise requires—

Literary work includes maps charts plans tables and compilations  
Dramatic work includes any piece for recitation choreographic work or entertainment in dumb show the scenic arrangement or acting form of which is fixed in writing or otherwise and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character

Artistic work includes works of painting drawing sculpture and artistic craftsmanship and architectural works of art and engravings and photographs

Work of sculpture includes casts and models

Architectural work of art means any building or structure having an artistic character or design, in respect of such character or design or any model for such building or structure provided that the protection afforded by this Act shall be confined to the artistic character and design and shall not extend to processes or methods of construction

Engravings include etchings lithographs wood-cuts prints and other similar works not being photographs

Photograph includes photo-lithograph and any work produced by any process analogous to photography

“ Cinematograph ” includes any work produced by any process analogous to cinematography ,

“ Collective work ” means—

(a) an encyclopædia, dictionary, year book, or similar work ,

(b) a newspaper, review, magazine, or similar periodical , and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated ,

“ Infringing. ” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act ,

“ Performance ” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument ,

“ Delivery, ” in relation to a lecture, includes delivery by means of any mechanical instrument ,

“ Plate ” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made ,

“ Lecture ” includes address, speech, and sermon ,

“ Self-governing dominion ” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and Newfoundland

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was

during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part

Repeal.

36 Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part

Short title,  
and com-  
mencement.

37—(1) This Act may be cited as the Copyright Act, 1911

(2) This Act shall come into operation—

- (a) in the United Kingdom on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion
- (c) in the Channel Islands at such date as may be fixed by the States of those islands respectively
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor

## SCHEDULES

### FIRST SCHEDULE

#### EXISTING RIGHTS

Existing Right.	Substituted Right
(a) <i>In the case of Works other than Dramatic and Musical Works.</i>	
Copyright.	Copyright as defined by this Act.*
(b) <i>In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	Copyright as defined by this Act.*
Copyright, but not performing right	Copyright as defined by this Act except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public but none of the other rights comprised in copyright as defined by this Act.

\* In the case of an essay article, or portion forming part of and first published in a review magazine, or other periodical or work of a like nature the right shall be subject to any right of publishing the essay article, or portion in a separate form to which the author is entitled at the commencement of this Act or would if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings.—

"Copyright," in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

"Performing right," in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

## SECOND SCHEDULE.

### ENACTMENTS REPEALED.

Section and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2, c. 13 .	The Engraving Copyright Act, 1734	The whole Act.
7 Geo. 3, c. 38 .	The Engraving Copyright Act, 1767.	The whole Act.
15 Geo. 3, c. 53 .	The Copyright Act, 1775 .	The whole Act.
17 Geo. 3, c. 57 .	The Prints Copyright Act, 1777	The whole Act
51 Geo. 3, c. 56 .	The Sculpture Copyright Act, 1811	The whole Act
3 & 4 Will. 4, c. 15 .	The Dramatic Copyright Act, 1833	The whole Act
5 & 6 Will. 4, c. 65	The Lectures Copyright Act, 1835	The whole Act
6 & 7 Will. 4, c. 59 .	The Prints and Engravings, Copyright (Ireland) Act, 1836	The whole Act
6 & 7 Will. 4, c. 110 .	The Copyright Act, 1836	The whole Act
5 & 6 Vict., c. 15 .	The Copyright Act, 1842	The whole Act
7 & 8 Vict., c. 12 .	The International Copyright Act, 1844	The whole Act
10 & 11 Vict., c. 95 .	The Colonial Copyright Act, 1847	The whole Act.
15 & 16 Vict., c. 12 .	The International Copyright Act, 1852	The whole Act
25 & 26 Vict., c. 68 .	The Fine Arts Copyright Act, 1862	Sections one to six In section eight the words "and pursuant to any Act for the protection of copyright engravings," and "and in any such Act as aforesaid "
38 & 39 Vict., c. 12	The International Copyright Act, 1875.	Sections nine to twelve The whole Act.



Session and Chapter	Short Title.	Extent of Repeal
30 & 40 Vict. c. 36	The Customs Consolidation Act 1876.	Section forty two, from 'Books wherein to such copyright will expire. Sections forty four forty five, and one hundred and fifty two
45 & 46 Vict. c. 40	The Copyright (Musical Compositions) Act 1882.	The whole Act.
49 & 50 Vict. c. 33	The International Copyright Act, 1886	The whole Act.
51 & 52 Vict. c. 17	The Copyright (Musical Compositions) Act 1888.	The whole Act.
52 & 53 Vict. c. 42	The Revenue Act, 1889	Section one from "Books first published" to as provided in that section.
6 Edw 7 c 38	The Musical Copyright Act 1906	In section three the words "and which has been registered in accordance with the provisions of the Copyright Act 1842, or of the International Copyright Act 1844 which registration may be effected notwithstanding anything in the International Copyright Act, 1888.

### MARITIME CONVENTIONS ACT 1911

(1 & 2 Geo 5, c 57)

#### Arrangement of Sections

#### *Provisions as to Collisions etc.*

##### Section.

- 1 Rule as to division of loss.
- 2 Damages for personal injuries.
- 3 Right of contribution
- 4 Abolition of statutory presumptions of fault
- 5 Jurisdiction in cases of loss of life or personal injury

#### *Provisions as to salvage.*

- 6 General duty to render assistance to persons in danger at sea
- 7 Apportionment of salvage amongst owners etc of foreign ship

#### *General Provisions*

8. Limitation of actions.
- 9 Application of Act.
- 10 Short title and construction.

*to be given to the Law relating to Merchant Shipping with a view to enabling the same to be carried into effect*

[16th December, 1911]

Whereas the Conference held at Brussels in the year nineteen hundred and eleven, dealing respectively with collisions between vessels and with salvage, were convened on behalf of His Majesty, and it is desirable that such amendments should be made in the law relating to merchant shipping as will enable effect to be given to the conventions:

Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:

*Provisions as to Collisions, &c.*

1. (1) Where, by the fault of two or more vessels, damage or loss is caused to any one or more of the vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault.

*Rule as to division of loss*

Provided that—

- (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally; and
- (b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed; and
- (c) nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(2) For the purposes of this Act, the expression "freight" includes passage money and hire, and references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

2. Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several.

*Damages for personal injuries*

Provided that nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

Right of  
contribution.

3—(1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault

Provided that no amount shall be so recovered which could not by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason have been recovered in the first instance as damages by the persons entitled to sue therefor

(2) In addition to any other remedy provided by law the persons entitled to any such contribution as aforesaid shall for the purpose of recovering the same, have subject to the provisions of this Act the same rights and powers as the persons entitled to sue for damages in the first instance.

Abolition of  
statutory  
presumptions  
of fault.  
67 & 68 Vict.,  
c 60

4—(1) Sub-section (4) of section four hundred and nineteen of the Merchant Shipping Act 1894 (which provides that a ship shall be deemed in fault in a case of collision where any of the collision regulations have been infringed by that ship) is hereby repealed.

(2) The failure of the master or person in charge of a vessel to comply with the provisions of section four hundred and twenty two of the Merchant Shipping Act 1894 (which imposes a duty upon masters and persons in charge of vessels after a collision to stand by and assist the other vessel) shall not raise any presumption of law that the collision was caused by his wrong ful act neglect, or default and accordingly sub-section (2) of that section shall be repealed.

Jurisdiction  
in cases of  
loss of life or  
personal  
injury

5 Any enactment which confers on any court Admiralty jurisdiction in respect of damage shall have effect as though references to such damage included references to damage for loss of life or personal injury and accordingly proceedings in respect of such damages may be brought in rem or in personam.

#### *Provisions as to Salvage.*

General  
duty to  
render  
assistance to  
persons in  
danger at  
sea

6—(1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers (if any), render assistance to every person even if such person be a subject of a foreign State at war with His Majesty who is found at sea in danger of being lost, and if he fails to do so he shall be guilty of a misdemeanour

(2) Compliance by the master or person in charge of a vessel with the provisions of this section shall not affect his right or the right of any other person to salvage.

Apportion-  
ment of  
salvage  
amongst  
owners, etc.,  
of foreign  
ship.

7 Where any dispute arises as to the apportionment of any amount of salvage among the owners, master pilot, crew and other persons in the service of any foreign vessel the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

*General Provisions*

8. No action shall be maintainable to enforce any claim or lien against a vessel or her owner in respect of any damage or loss to another vessel, her cargo or freight, or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the first-mentioned vessel, whether such vessel be wholly or partly in fault, or in respect of any salvage services unless proceedings therein are commenced within one year from the date when the damage or loss or injury was caused or the salvage services were rendered, and an action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings thereon are commenced within one year from the date of payment.

Limitation  
of actions.

Provided that any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.

9.—(1) This Act shall extend throughout His Majesty's dominions and to any territories under his protection, and to Cyprus

Application  
of Act

Provided that it shall not extend to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) This Act shall not apply in any case in which proceedings have been taken before the passing thereof and all such cases shall be determined as though this Act had not been passed

(3) The provisions of this Act shall be applied in all cases heard and determined in any court having jurisdiction to deal with the case and in whatever waters the damage or loss in question was caused or the salvage services in question were rendered, and sub-section (9) of section twenty-five of the Supreme Court of Judicature Act, 1873, shall cease to have effect

3 & 37 Vict.,  
66

(4) This Act shall apply to any persons other than the owners responsible for the fault of the vessel as though the expression "owners" included such persons, and in any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Act shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible

10. This Act may be cited as the Maritime Conventions Act, 1911, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1907.

Short title  
and con-  
struction

## THE ARMY (ANNUAL) ACT, 1912

(2 Geo 5, c 5)

## ARRANGEMENT OF SECTIONS

## Section.

- 1 Short title
- 2 Army Act to be in force for specified times
- 3 Prices in respect of billeting

## AMENDMENTS OF ARMY ACT

- 4 Amendment of section 137 of the Army Act
  - 5 Amendment of section 145 of the Army Act
  - 6 Amendment of section 163 of the Army Act relating to evidence
  - 7 Amendment of 44 and 45 Vict c 58 as 175 (7) and 176 (9) (10)
  - 8 Application of Army Act to forces raised in India and the Colonies
- SCHEDULE.

## CHAPTER 5

*An Act to provide during Twelve Months for the Discipline and Regulation of the Army*

[30th April 1912]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace unless it be with the consent of Parliament is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of one hundred and eighty six thousand six hundred including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act will expire in the year one thousand nine hundred and twelve on the following days — 44 & 45 Vict.,  
c. 58

(a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and

(b) Elsewhere, whether within or without His Majesty's dominions on the thirty-first day of July

Be it therefore enacted by King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows. —

1.—This Act may be cited as the Army (Annual) Act, 1912

Short title

2 — (1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) — Army Act to  
be in force for  
specified  
times

(a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and twelve to the thirtieth day of April one thousand nine hundred and thirteen, both inclusive, and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and twelve to the thirty-first day of July one thousand nine hundred and thirteen, both inclusive

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act. Prices in  
respect of  
billeting

## AMENDMENTS OF ARMY ACT

Amendment  
of section 137  
of the Army  
Act.

4 In paragraph (4) of section one hundred and thirty-seven of the Army Act, which relates to penal stoppages from ordinary pay of officers, after the words 'Army Council' shall be inserted the words 'or in the case of officers serving in India the Governor General' and as a proviso to the said paragraph there shall be added at the end thereof the following — Provided that where deductions have been so made from the pay of an officer serving in India the case shall if he so require, be reported to the Secretary of State for India in Council who may make such order thereon as he thinks fit

Amendment  
of section 145  
of Army Act.

5—(1) The amount which may be deducted from the pay of a soldier in respect of a bastard child under sub-section (2) of section one hundred and forty five of the Army Act shall be increased in the case of a non-communed officer who is not below the rank of sergeant to seven pence, and in the case of any other soldier to four pence and accordingly the words in respect of a bastard child seven pence and in respect of a bastard child four pence shall be substituted in that sub-section for the words in respect of a bastard child six pence and in respect of a bastard child three pence, respectively

(2) Where an order has before the commencement of this Act been made under the said section authorising deductions to be made in respect of a bastard child, a further order may be made increasing the amount of the deductions to be made after the commencement of this Act under the former order up to the limit authorised by this section.

Amendment  
of section 136  
of the Army  
Act relating  
to evidence.

6 At the end of sub-section (1) of section one hundred and sixty three of the Army Act (which makes certain documents evidence) the following paragraph shall be added —

(j) Where the proceedings are proceedings against a soldier on a charge of being a deserter or absentee without leave and the soldier has surrendered himself into the custody of any portion of His Majesty's forces, a certificate purporting to have been signed by the commanding officer of that portion of His Majesty's forces and stating the fact date and place of such surrender shall be evidence of the matters so stated.

Amendment  
of 44 & 45  
Vict., c. 58, m.  
175 (7) and  
176 (9) (10).

7 In sub-section (7) of section one hundred and seventy five and in sub-sections (9) and (10) of section one hundred and seventy six of the Army Act which relate to persons subject to military law as officers and soldiers, the words beyond the seas shall be repealed wherever they occur.

8.—(1) For the purpose of facilitating the application of the Army Act to forces raised in India or the Colonies, the following amendments shall be made.—

Applica  
Army  
forces  
in India  
the Col

(a) At the end of section one hundred and seventy-five of the Army Act (which describes the persons subject to military law as officers) the following paragraph shall be added.—

“(12) All officers of a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law.”

(b) At the end of section one hundred and seventy-six of the Army Act (which describes the persons subject to military law as soldiers) the following paragraph shall be added :—

“(11) All non-commissioned officers and men belonging to a force raised in India or a colony to which this Act is in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law.”

(c) In section one hundred and seventy-seven of the Army Act (which relates to persons belonging to colonial forces and subject to military law as officers or soldiers) for the words “and any such law may apply to any such officers, non-commissioned officers, and men all or any of the provisions of this Act so far as they relate to the regular forces or any of the auxiliary forces, as the case may require, subject to such adaptations as may be necessary to make them applicable, and the provisions of this Act so applied shall, subject to such adaptations as aforesaid, be construed as if such officers, non-commissioned officers, and men were included in the expression ‘regular forces’ or ‘auxiliary forces,’ as the case may require,” there shall be substituted the words “and any such law may apply, in relation to such force and to any officers, non-commissioned officers, and men thereof, all or any of the provisions of this Act, subject to such adaptations, modifications and exceptions as may be specified in such law, and where so applied this Act shall have effect in relation to such force subject to such adaptations, modifications, and exceptions as aforesaid.”

(2) If before the commencement of this Act any law of India or a colony has been made or passed applying this Act in whole or in part to any force raised in India or the colony, such law shall have effect as if this section had been in force at the time when such law was made or passed.



### SCHEDULE

Accommodation to be provided	Maximum Price.
Lodging and attendance for soldier whose meals furnished.	Six pence per night.
Breakfast as specified in Part I of the Second Schedule to the Army Act	Five pence each.
Dinner as so specified	One shilling and one penny each
Supper as so specified	Three pence each
Where no meals furnished lodging and attendance and candles, vinegar salt and the use of fire and the necessary utensils for dressing and eating his meat.	Six pence per day
Stable room and ten pounds of oats, twelve pounds of hay and eight pounds of straw per day for each horse.	One shilling and nine pence per day
Stable room without forage	Six pence per day
Lodging and attendance for officer	Two shillings per night.

NOTE.—An officer shall pay for his food.

### GOVERNMENT OF INDIA ACT 1912

(2 and 3 Geo 5, c 6)

*An Act to make such amendments in the Law relating to the Government of India as are consequential on the appointment of a separate Governor of Fort William in Bengal and other administrative changes in the local government of India*

[25th June 1912]

Whereas His Majesty has been pleased to appoint a Governor of the Presidency of Fort William in Bengal as delimited by a proclamation made by the Governor General in Council and dated the twenty second day of March nineteen hundred and twelve

And whereas the Governor General in Council by two further proclamations of the same date has constituted a new province under a Lieutenant-Governor styled the province of Bihar and Orissa and has taken the province of Assam under the immediate authority and management of the Governor General in Council

And whereas it is expedient to declare what powers are exerciseable by the Governor and Governor in Council of the presidency of Fort William in Bengal and to make other provisions with respect to the administrative changes effected as aforesaid

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in

this present Parliament assembled, and by the authority of the same, as follows —

1 —(1) It is hereby declared that the Governor and Governor in Council of the presidency of Fort William in Bengal shall, within that presidency as so delimited as aforesaid, have all the rights, duties, functions, and immunities which the Governors and Governors in Council of the presidencies of Fort St George and Bombay respectively possess, and all enactments relating to the Governors of those presidencies and the councils (whether for executive or legislative purposes) thereof and the members of those Councils shall apply accordingly to the Governor of the presidency of Fort William in Bengal, and his Council and the members of that Council.

Provided that—

- (a) if the Governor-General in Council reserves to himself any powers now exerciseable by him in relation to the presidency of Fort William in Bengal, those powers shall continue to be exerciseable by the Governor-General in Council in the like manner and to the like extent as heretofore, and
- (b) it shall not be obligatory to nominate the advocate-general of the presidency of Fort William in Bengal or any officer acting in that capacity to be a member of the Legislative Council of the Governor of that presidency

(2) The power of the Governor-General in Council under section one of the Indian Presidency Towns Act, 1815, to extend the limits of the town of Calcutta shall be transferred to the Governor in Council of the presidency of Fort William in Bengal

2 The provisions of sub-section (1) of section three of the Indian Councils Act, 1909 (which relate to the constitution of provincial executive councils), shall apply to the province of Bihar and Orissa in like manner as they applied to the province of the Bengal division of the presidency of Fort William

3 It shall be lawful for the Governor-General in Council by proclamation to extend, subject to such modifications and adaptations as he may consider necessary, the provisions of the Indian Councils Acts, 1861 to 1909, touching the making of laws and regulations for the peace and good government of provinces under Lieutenant-Governors (including the provisions as to the constitution of Legislative Councils for such provinces and the business to be transacted therein) to any territories for the time being under a Chief Commissioner, and where such provisions have been applied to any such territories the proviso to section three of the Government of India Act, 1854 (which relates to the alteration of laws and regulations in such territories), shall not apply to those territories

amendment  
and repeal of  
acts and  
regulations.  
4.—(1) The enactments mentioned in Part I of the Schedule to this Act shall have effect subject to the amendments therein specified, and section fifty seven of the East India Company Act 1793 and section seventy-one of the Government of India Act, 1833 (which relate to the filling up of vacancies in the Indian Civil Service) and the other enactments mentioned in Part II of that Schedule are hereby repealed.

(2) Nothing in this Act or in the said recited proclamations shall affect the power of the Governor General in Council of making new distributions and arrangements of territories into and among the various presidencies and Lieutenant-Governorships and it is hereby declared that the said power extends to territories under the immediate authority and management of the Governor General in Council as well as to territories subject to the several presidencies and Lieutenant-Governorships.

short title  
and com-  
mencement.  
5 This Act may be cited as the Government of India Act 1912 and shall come into operation on such day as the Governor General in Council, with the approval of the Secretary of State in Council, may appoint

## SCHEDULE

### PART I

#### AMENDMENTS

In section fifty of the Indian Councils Act 1861 (24 and 25 Vict. c 67) after the words then and in every such case, there shall be inserted the words the Governor of the Presidency of Fort William in Bengal.

In the First Schedule to the Indian Councils Act 1909 (9 Edw 7 c 4) there shall be inserted—

“Legislative Council of the Governor of Fort William in Bengal 50

“Legislative Council of the Lieutenant-Governor of Bihar and Orissa 50”

### PART II

#### REPEALS

Sections fifty three and fifty-seven of the East India Company Act, 1793 (33 Geo 3 c 52)

In section sixty two of the Government of India Act 1833 (3 & 4 Will 4 c 85) the words ‘and Governor of the Presidency of Fort William in Bengal,’ and section seventy-one of the same Act

In section fifty of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), the words "and Governor of the Presidency of Fort William in Bengal."

In the First Schedule to the Indian Councils Act, 1909 (9 Edw. 7, c. 4), the following words.—

"Legislative Council of the Lieutenant Governor of the Bengal  
Division of the Presidency of Fort William . . . . . 50

"Legislative Council of the Lieutenant-Governor of the Province  
of Eastern Bengal and Assam . . . . . 50"

## THE MARRIAGES IN JAPAN (VALIDITY) ACT, 1912.

(2 & 3 Geo 5, c. 15.)

*An Act to remove doubts as to the validity of certain marriages solemnized  
in the Empire of Japan.*

[13th December, 1912.]

WHEREAS doubts have been entertained with respect to the validity of certain marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnized in the Empire of Japan since the sixteenth of July eighteen hundred and ninety-nine (being the date when a treaty between Her late Majesty Queen Victoria, and His Majesty the Emperor of Japan, dated the sixteenth of July eighteen hundred and ninety-four came into force), and it is expedient to remove those doubts

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. All marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnized before the passing of this Act in the Empire of Japan, which would have been valid if solemnized immediately before the said sixteenth of July eighteen hundred and ninety-nine, shall be and shall be deemed always to have been as valid in law as if they had been solemnized within His Majesty's dominions with the due observance of all forms required by law. Validation of  
certain  
marriages

Provided that this Act shall not render valid any marriage which before the passing of this Act has been declared invalid by any court of competent jurisdiction, or affect any right dependent on the validity or invalidity thereof or render valid any marriage either of the parties to which have subsequently during the life of the other lawfully intermarried with any other person.

2. This Act may be cited as the Marriages in Japan (Validity) Act, 1912 Short title,



## APPENDIX I.

## LIST OF ACTS OF PARLIAMENT AFFECTED BY INDIAN LEGISLATION.\*

Regnal year and number.	Part affected	How affected.
52 Hen. 3, c 1 . . .	The whole . . .	Rep <i>Distress Act, 1875 (I of 1875), s. 2 and Sch II</i>
„ „ „ c. 3 . . .	Ditto . . .	<i>Ditto</i>
„ „ „ c 4 . . .	Ditto . . .	<i>Ditto</i>
„ „ „ c. 15 . . .	Ditto . . .	<i>Ditto</i>
„ „ „ c 21 . . .	Ditto . . .	<i>Ditto</i>
13 Ed 1, c. 2 . . .	Ditto . . .	<i>Ditto</i>
„ „ „ c. 37 . . .	Ditto . . .	<i>Ditto</i>
Les Estatuz del Eschekero between c 13 and c 14 of 17, Ed 2.	Ditto . . .	<i>Ditto</i>
27 Hen. 8, c. 10 . . .	Ditto . . .	Rep Transfer of Property Act, 1882 (IV of 1882), s 2 and sch.
32 „ „ c 1 . . .	Ditto . . .	Rep Wills Act, 1838 (XXV of 1838), s. 2
34 & 35 Hen. 8, c 5 . . .	Ditto . . .	<i>Ditto</i>
1 & 2 Phil & M., c 12 . . .	Ditto . . .	Rep <i>Distress Act, 1875 (I of 1875), s. 2 and Sch. II</i>
13 Eliz, c 5 . . .	Ditto . . .	Rep Transfer of Property Act, 1882 (IV of 1882), s 2 and sch
27 „ c. 4 . . .	Ditto . . .	<i>Ditto</i>
7 Jas 1, c 5† . . .	Ditto . . .	Rep <i>Repealing Act, 1873 (XII of 1873), s 1 and sch</i>
21 „ „ c. 12 . . .	Ditto . . .	<i>Ditto</i>
21 „ „ c. 16 . . .	Ditto . . .	Rep <i>Indian Limitation Act, 1871, (IX of 1871), s 2 and Sch I</i>

\* These repeals, extensions and modifications are, of course, subject to the limitations imposed on the powers of the Indian Legislature

† Recited in the last edition of the Statutes Revised as 7 [& 8] Jas

Regnal year and number	Part affected.	How affected.
17 Ch. 2, c. 7	The whole	Rep. <i>Distress Act 1876</i> (I of 1876) s. 2 and Sch. II
29 Ch. 2, c. 3	So much as related to devices or bequests of land, etc.	Rep. <i>Wills Act 1838</i> (XXV of 1838) s. 2.
	Ss. 1 to 4 17	Rep. <i>Indian Contract Act, 1872</i> (IX of 1872) s. 1 and sch.
	Ss. 7 to 11	Rep. <i>Indian Trusts Act, 1882</i> (II of 1882) s. 2 and sch.
	Ss. 13 to 17 22 to 24	Rep. <i>Repealing Act 1873</i> (XII of 1873) s. 1 and sch.
29 Ch. 2, c. 7	The whole	Rep. <i>Code of Civil Procedure (Act X of 1877)</i> , s. 3 and Sch. I
2 Wm. & M., c. 5	Ditto	Rep. <i>Distress Act, 1876</i> (I of 1876) s. 2 and Sch. II
4 " c. 16	Ditto	Rep. <i>Transfer of Property Act, 1882</i> (IV of 1882) s. 2 and sch.
8 & 9 Wm. 3, c. 11	Ditto	Rep. <i>Repealing Act 1873</i> (XII of 1873) s. 1 and sch.
9 " c. 17	Ditto	Rep. <i>Negotiable Instruments Act 1881</i> (XXVI of 1881) s. 2 and sch.
3 & 4 Anne c. 8	Ditto	Ditto.
4 " c. 16	Ss. 17 to 19	Rep. <i>Indian Limitation Act, 1871</i> (IX of 1871) s. 2 and Sch. I
4 & 5 " c. 3	So much as related to witnesses to nuncupative wills.	Rep. <i>Wills Act, 1838</i> (XXV of 1838).
14 Geo. 2, c. 20	So much as related to estates <i>per curiam</i> &c.	Ditto.
24 " c. 44	The whole	Rep. <i>Repealing Act, 1873</i> (XII of 1873), s. 1 and sch.
25 " " c. 6	Ditto	Rep. <i>Wills Act 1838</i> (XXV of 1838).
13 Geo 3 c. 63	Ss. 16 19 20 27 to 29 31 33 36.	Rep. <i>Repealing Act, 1870</i> (XIV of 1870) s. 1 and sch.
	S. 18	Rep. <i>Privy Council Appeals Act 1874</i> (VI of 1874), s. 2 and sch.

English year and chapter.	Part affected.	How affected.
12 Geo. 2, c. 63	s. 17	Rep. Vagrancy Laws Repeal Act, 1855 (XXVIII of 1855), s. 1.
	s. 24	Rep. High Courts' Criminal Procedure Act, 1875 (X of 1875), s. 2 and sch.
	s. 25	Rep. Code of Criminal Procedure, 1872 (XI of 1872), s. 2 and Sch. I.
21 - - - c. 70	ss. 9 to 16, 18 to 20	Rep. Vagrancy Act, 1870 (XIV of 1870), s. 1 and sch.
		Rep. Act XXIII of 1860, s. 12, and Act XII of 1851, s. 16.
26 - - - c. 27	s. 27	Rep. Foreign Jurisdiction and Extradition Act, 1872 (XI of 1872), s. 2 and Sch. I.
	s. 28	Rep. Indian Bankers' Act, 1872 (I of 1872), s. 2 and sch.
32 - - - c. 22	s. 24	Rep. Vagrancy Act, 1870 (XIV of 1870), s. 1 and sch.
	s. 29	Post. Secretaries to Government Act, 1861 (II of 1861).
	ss. 61, 127 (from "not at all to be lawful persons of His Majesty's subjects" to the end of the section), 163, 169.	Rep. Vagrancy Act, 1870 (XIV of 1870), s. 1 and sch.
	S. 67	Rep. Foreign Jurisdiction and Extradition Act, 1872 (XI of 1872), s. 2 and Sch. I.
	ss. 151, 152.	Rep. Justices of the Peace Act, 1869 (II of 1869), s. 2 and sch.
	Ss. 153, 154	Rep. High Courts' Criminal Procedure Act, 1875 (X of 1875), s. 2 and sch.
	S. 157	Rep. Coroners' Act, 1871 (IV of 1871), s. 2 and Sch. I.



Regnal year and number	Part affected.	How affected.
33 Geo 3 a. 52	S. 102	Rep. <i>Indian Limitation Act, 1871</i> (IX of 1871) s. 2 and Sch. I  Mod. <i>Presidency Banks Act, 1876</i> (XI of 1876) s. 68.
37 c. 142	Ss. 4 to 8, 15 17 to 28 30	Rep. <i>Repealing Act 1870</i> (XIV of 1870) s. 1 and sch.
	S. 16	Rep. <i>Privy Council Appeals Act 1874</i> (VI of 1874) s. 2 and sch.
39 & 40 Geo. 3 a. 79	Ss. 4, 6, 8 10 11 17 to 19 21 to 24.	Rep. <i>Repealing Act 1870</i> (XIV of 1870) s. 1 and sch.
42 a. 85	S. 6	Rep. <i>Repealing Act, 1873</i> (XII of 1873), s. 1 and sch.
47 „ <i>Secs. 2, a. 68</i>	Ss. 4 to 6	Rep. <i>Justices of the Peace Act, 1869</i> (II of 1869), s. 2 and sch.
	Ss. 8 to 10	Rep. <i>Presidency Banks Act, 1876</i> (XI of 1876) s. 2 and sch.
49 „ c. 126		<i>Indemnity against Act XIV of 1869</i>
53 „ s. 155	S. 79	Mod. <i>Secretaries to Government Act 1834</i> (II of 1834).
	Ss. 97 121 123	Rep. <i>Repealing Act, 1873</i> (XII of 1873) s. 1 and sch.
	Ss. 98 99 104, 108, 109 113 122	Rep. <i>Repealing Act, 1870</i> (XIV of 1870), s. 1 and sch.
	Ss. 100 to 103	Rep. <i>High Courts Criminal Procedure Act 1875</i> (X of 1875) s. 2 and sch.
	S. 106	Rep. <i>Code of Criminal Procedure (Act X of 1872)</i> , s. 2 and sch.
	107	Rep. <i>Act XI of 1836.</i>
	„	<i>Justices of the Peace Act, 1869</i> s. 2 and sch.
		<i>Limitation Act, 1871</i> s. 2 and Sch. I



Regnal year and number	Part affected.	How affected.
3 & 4 Will 4, c. 105		Ext. Dower Act, 1839 (XXIX of 1839)
" " c. 106		Ext. Inheritance Act, 1839 (XXX of 1839)
5 & 6 " c. 6	The whole	Rep. <i>Assessing Act</i> , 1870 (XIV of 1870) s. 1 and sch.
7 & 8 Will 4, c. 62	The whole	Rep. Indian Oaths Act, 1873 <sup>of</sup> (X of 1873).
2 & 3 Vict., c. 34	The whole	Rep. <i>Assessing Act</i> , 1873 (XII of 1873) s. 1 and sch.
3 & 4 " c. 37	Ss. 43 to 47	<i>Idem</i> .
" " c. 56		Ext. Indian Registration of Ships Act 1841 (X of 1841).
5 & 6 " c. 45		Ext. Indian Copyright Act, 1847 (XX of 1847)
6 & 7 " c. 34	S. 7	Rep. <i>Indian Limitation Act</i> , 1871 (IX of 1871), s. 2 and Sch. I
11 & 12 " c. 21	The whole Act	Rep. Presidency Towns Insolvency Act, 1900 (III of 1900).
14 & 15 Vict. c. 40	The whole	Rep. Indian Christian Marriage Act 1872 (XV of 1872) s. 2 and Sch. V
" " c. 99	Ss. 11 to 18	Rep. Indian Evidence Act, 1872 (I of 1872) s. 2 and sch.
17 & 18 " c. 104	S. 9	Rep. <i>Assessing Act</i> , 1870 (XIV of 1870) s. 1 and sch.  Ext. <i>Indian Ports Act</i> , 1889 (X of 1889) s. 62 Indian Merchant Shipping Act, 1883 (V of 1883), ss. 17 & 32.



LIST OF CHARTERS OR LETTERS PATENT OF SUPREME OR HIGH COURTS  
AFFECTED BY INDIAN LEGISLATION

Charter, etc.	Part affected.	How affected.
Charter of Supreme Court at Fort William dated 26th March, 1774.	Clause 21	Rep. Presidency Small Cause Courts Act, 1882 (XV of 1882) s. 2 and Sch. I.
Charter of Supreme Court at Madras, dated 26th December 1800.	Clause 47	Ditto.
Charter of Supreme Court at Bombay dated 8th December 1823	Clause 59	Ditto.
Letters Patent for High Court at Bombay dated 23th December 1865.	Section 23	Am Act XXIII of 1866.



Year	No. and Chapter	Territorial extent	Repeals (if any) extending beyond the United Kingdom.
1867	30 & 31 Vict., c. 59 —could	Usual extent	7 Geo. 3 c. 55 8 " " c. 19 and 9 " " c. 18.
1870	33 & 34 Vict. c. 69	United Kingdom (there being no declaration as to extent).	
1871	34 & 35 Vict. c. 116	Usual extent	In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely — 5 Geo. 1 c. 4; 11 Geo. 3 c. 52 13 " c. 14 " " c. 26 14 " " c. 83 " " c. 88 15 " " c. 31 " " c. 40 " " c. 45 23 " c. 75; 23 " c. 14; 26 " c. 26 27 " c. 2 28 " c. 35 30 " " c. 47; and 31 " c. 31
1873	35 & 36 Vict. c. 63	Ditto	In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely:— 14 Geo. 3, c. 83; " " " c. 88;





Year	No. and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom.
1873	36 & 37 Vict. c. 91— <i>contd.</i>	Usual extent	<p>52 Geo. 3 c. 122 ;</p> <p>53        c. 155 ;</p> <p>54    "    c. 61</p> <p>54    "    c. 105</p> <p>55        c. 64</p> <p>   "    "    c. 84</p> <p>57    "    c. 53</p> <p>59        c. 44</p> <p>   "    "    c. 54</p> <p>   "    "    c. 114</p> <p>1 &amp; 2 Geo. 4, c. 61 ;</p> <p>   4    "    "    c. 71</p> <p>   "    "    c. 80 ;</p> <p>   5    "    "    c. 67 ;</p> <p>   "    "    c. 68 ;</p> <p>   "    "    c. 108 ;</p> <p>   "    "    c. 113</p> <p>   6    "    "    c. 85</p> <p>   "    "    c. 88 ;</p> <p>   7    "    "    c. 4</p> <p>   "    "    c. 56 ;</p> <p>   9    "    "    c. 33 ; and</p> <p>   "    "    c. 74.</p>
1874	37 & 38 Vict. c. 35	Ditto	<p>In the case of the following Acts, the repeals are declared to extend to the whole of Her Majesty's dominions, namely :—</p> <p>53 Geo. 3 c. 155 ;</p> <p>1 &amp; 2 Geo. 4, c. 68 ;</p>



Year	No. and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom.
1874	37 & 38 Vict. c. 96	Usual extent	<p>In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely —</p> <p>1 &amp; 2 Vict., c. 67</p> <p>2 &amp; 3 " c. 34;</p> <p>3 &amp; 4 " c. 35;</p> <p>" c. 37;</p> <p>" c. 56;</p> <p>" " c. 78</p> <p>" " c. 95</p> <p>" c. 96;</p> <p>5 &amp; 6 c. 3</p> <p>" " c. 4</p> <p>" c. 14</p> <p>" c. 17</p> <p>" c. 83;</p> <p>" c. 120</p> <p>6 &amp; 7 c. 34</p> <p>" " c. 63</p> <p>" " c. 80;</p> <p>7 &amp; 8 " c. 17; and</p> <p>" c. 49</p>
1875	38 & 39 Vict., c. 66	Ditto	<p>In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely;—</p> <p>9 Geo. 4, c. 83;</p> <p>2 &amp; 3 Vict., c. 70;</p> <p>3 &amp; 4 " c. 62;</p> <p>5 &amp; 6 " c. 61;</p>



Year	No. and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom
1875	38 & 39 Vict. c. 66— <i>concl'd.</i>	Usual extent	<p>19 &amp; 20 Vict. c. 75 ;</p> <p>„ „ c. 83</p> <p>20 &amp; 21 „ c. 62 ;</p> <p>21 &amp; 22 „ c. 32</p> <p>„ „ c. 96</p> <p>23 Vict., c. 25 ;</p> <p>22 &amp; 23 Vict., c. 12 ;</p> <p>„ „ c. 27</p> <p>„ „ c. 37</p> <p>23 &amp; 24 „ c. 67 ;</p> <p>„ c. 88</p> <p>24 &amp; 25 „ c. 74</p> <p>„ c. 80</p> <p>25 &amp; 26 „ c. 27</p> <p>„ c. 48</p> <p>26 &amp; 27 „ c. 23</p> <p>„ „ c. 35</p> <p>„ c. 48 ;</p> <p>„ c. 51</p> <p>„ c. 76 ;</p> <p>„ c. 121 ;</p> <p>27 &amp; 28 „ c. 16</p> <p>29 &amp; 30 „ c. 104</p> <p>„ „ c. 109 ; and</p> <p>31 &amp; 32 „ c. 120</p>
1876	39 & 40 Vict. c. 40	United Kingdom (there being no declaration as to extent).	
1878	41 & 42 Vict. c. 57	Ditto.	



Year	No. and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom.
1879	42 & 43 Vict. c. 24	United Kingdom (there being no declaration as to extent).	
"	" c. 59*	Declared <i>not</i> to extend to any part of Her Majesty's dominions out of the United Kingdom.	
1881	44 & 45 Vict. c. 59†	Declared <i>not</i> to extend to Scotland or Ireland; extends, therefore, only to England.	
1883	46 & 47 Vict., c. 30	Usual extent	<p>In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely—</p> <p>32 &amp; 33 Vict. c. 10;</p> <p>" " c. 11</p> <p>" " c. 29;</p> <p>" c. 93;</p> <p>33 &amp; 34 " c. 3</p> <p>" " c. 52</p> <p>" " c. 59;</p> <p>" " c. 90;</p> <p>34 &amp; 35 " c. 62</p> <p>35 &amp; 36 " c. 9 and</p> <p>41 &amp; 42 " c. 67</p>
"	" " c. 40‡	Declared <i>not</i> to extend to Scotland or Ireland; extends, therefore, to England only	

\* Short title—the Civil Procedure Acts Repeal Act, 1879

† Short title—the Statute Law Revision and Civil Procedure Act 1881

‡ Short title—the Statute Law Revision and Civil Procedure Act, 1883.





Year	No and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom.
1888	51 & 52 Vict. c. 57— <i>contd.</i>	Usual extent	3 & 4 Vict. c. 78 5 & 6 „ c. 61; „ c. 76 and „ c. 120
1889	52 & 53 Vict., c. 24*	Ditto	In no case is the repeal declared to extend to all Her Majesty's dominions.
1890	53 & 54 Vict., c. 33	Ditto	In the following cases, the repeals are declared to extend to all Her Majesty's dominions namely — 53 Geo. 3, c. 155 56 „ c. 82 1 & 2 Geo. 4, c. 66; 3 & 4 „ „ c. 119 4 „ „ c. 71 „ „ c. 80; 5 „ c. 67; 6 „ „ c. 85 9 „ c. 74 (Straits Settlements excepted in one instance) 9 Geo. 4, c. 83; 3 & 4 Will 4 c. 85; 5 & 6 „ „ c. 52 and „ „ „ c. 62.
	„ „ c. 51	Ditto	In the case of the following, the repeals are declared to extend to all Her Majesty's dominions namely — 3 & 4 Vict., c. 56

\* Short title—the Master and Servant Act, 1889.



Year	No. and Chapter	Territorial extent.	Repeals (if any) extending beyond the United Kingdom.
1892	55 & 56 Vict. c. 19— <i>contd.</i>	Usual extent	<p>54 Geo. 3, c. 15</p> <p>15 &amp; 16 Vict. c. 72</p> <p>16 &amp; 17 " c. 48</p> <p>" c. 49</p> <p>" c. 95</p> <p>18 &amp; 19 " c. 55;</p> <p>20 &amp; 21 " c. 3</p> <p>" c. 52</p> <p>" c. 53</p> <p>21 &amp; 22 " c. 3</p> <p>" c. 106;</p> <p>22 " c. 11</p> <p>22 &amp; 23 " c. 10</p> <p>" c. 13</p> <p>23 &amp; 24 " c. 130</p> <p>24 &amp; 25 " c. 54</p> <p>" " c. 67; and</p> <p>" " c. 104.</p>
1893	56 & 57 Vict. c. 14	Ditto	<p>In the case of the following Acts, the repeals are declared to extend to all Her Majesty's dominions, namely —</p> <p>15 &amp; 16 Vict., c. 72;</p> <p>27 &amp; 28 " c. 77;</p> <p>28 &amp; 29 " c. 15;</p> <p>29 &amp; 30 " c. 18;</p> <p>" " c. 74;</p> <p>30 &amp; 31 " c. 3; and</p> <p>31 &amp; 32 " c. 57;</p>







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